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Supreme Court, U.S.
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No. 02-1624

In the

Supreme Court of the United States

ELK GROVE UNIFIED SCHOOL DISTRICT
and DAVID W. GORDON, Superintendent,

Petitioners,

v.

MICHAEL A. NEWDOW,

Respondent.

On Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit

BRIEF AMICUS CURIAE OF THE CHURCH OF FREETHOUGHT IN SUPPORT OF RESPONDENT

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QUESTIONS PRESENTED

1. Whether respondent has standing to challenge as unconstitutional a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance.

2. Whether a public school district policy that requires teachers to lead willing students in reciting the Pledge of Allegiance, which includes the words "under God," violates the Establishment Clause of the First Amendment, as applicable through the Fourteenth Amendment.

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I. INTEREST OF AMICUS CURIAE CHURCH OF FREETHOUGHT[1]

Amicus curiae Church of Freethought ("COF" or "Church") was established in 1994 and incorporated in the State of Texas on February 22nd of 2001 (Charter # 01616965-01) as a non-profit corporation "to promote and advance, as a moral imperative, the unfettered power of thought over belief, of reason over faith, of facts over revelation and superstition, and of knowledge over dogmas and doctrines, especially in matters of religion and religious opinion."

COF operates in the Dallas-Fort Worth area as the North Texas Church of Freethought ("NTCOF"). Since 2000, NTCOF has had an affiliate church (by virtue of a licensing agreement) in Houston, Texas known as the Houston Church of Freethought ("HCOF").

NTCOF is a fully functioning church, not a prank, ruse, paper entity or internet site.[2] It has existed for many years before this case was commenced and, until now, COF has had no connection with this litigation. Since February of 1995 NTCOF has held regular monthly services, free and open to the public, conducted by the Church pastor and others to explain, explore and exercise the religion of Freethought and its tenets. We promulgate a number of principles and maxims that reflect our

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[1] Letters from all parties to this case consenting to the filing of this brief have been lodged with the Clerk. No party to this case nor any counsel for any party in this case has authored this brief in whole or in part, and no person or entity other than amicus COF and its members or its counsel made any monetary contribution to the preparation or submission of this brief.

[2] That suppositions to the contrary must be dignified by denials are, in part, products of bigotry that is encouraged and endorsed by the law and government policies under challenge in this case.

members' religious convictions. For example:

> "Fix Reason firmly in her seat, and call to her tribunal every fact, every opinion. Question with boldness even the existence of a God; because, if there be one, he must more approve of the homage of reason, than that of blind-folded fear."[3]
>
> "It is wrong always, everywhere and for everyone to believe anything upon insufficient evidence."[4]
>
> "When I do good, I feel good. When I do bad, I feel bad. That's my religion."[5]

Since the Church's inception its existence and services have been advertised under the "Worship Services" of local newspapers. It has also been the subject of local and national media reports.[6] The Church offers childcare and conducts Sunday School classes, sponsors a study/forum group, a singles group, games and movie nights and many other activities for its approximately 700 members and supporters. NTCOF has also sponsored or participated in charitable and public-service programs including regular blood donation drives. NTCOF has officiated weddings, conducted naming ceremonies for infants, provided for visitation of its sick and hospitalized members, held me-

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[3] Thomas Jefferson, Letter to Peter Carr, August 10, 1787.

[4] Also known as "Clifford's Credo," by W. K. Clifford in The Ethics of Belief (1877) available online at www.infidels.org/library/historical/w_k_clifford/ethics_of_belief.html accessed 2/10/2004.

[5] Abraham Lincoln, cited at www.aluuc.org/History2.htm (accessed 2/10/2004 and elsewhere.

[6] See http://church.freethought.org/media/index.html

morial services for the deceased and otherwise has done and continues to do what other churches do. HCOF operates in the same way for its approximately 300 members. Thus, COF – and Freethought generally – are for all practical purposes and as a matter of law "religion" entitled to the protections of the Establishment and Free Exercise clauses of the First Amendment.

What distinguishes COF and our members from most other churches and their members is that we believe in one less god. This follows from our devotion to facts and reason in considering religious questions. We are compelled by conscience and on principle to reject doctrines such as reincarnation, the existence of immortal souls and supernatural entities such as ghosts, angels, devils, and gods of all kinds except as myth.[7]

As with all comparisons of one religious group to another, COF differs only with respect to the particular beliefs that it holds and those that it rejects. Because the majority of Americans believe in deities and we do not, Freethinkers are most commonly considered to be unbelievers, nonbelievers, atheists, agnostics and so on. COF accepts such labels with respect to religious doctrines that Freethinkers reject. But the truth is that COF and its members do not define themselves by what they do

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[7] We passionately believe that such doctrines and the inevitable violent struggles over them throughout human history – because there is no way to choose between them by recourse to facts and reason – have been the chief cause of the miseries of humankind. Had all the minds and other resources wasted and destroyed by efforts to achieve religious conformity been devoted to scientific progress, for example, we have little doubt that hunger and disease would by now have been eliminated, that thriving communities would already exist on the moon and other planets and that humanity would be enjoying the benefits of technologies that currently remain the stuff of science fiction.

not believe any more than adherents of other religions do. All Americans are believers and unbelievers in various things. Freethinkers and Christians alike are unbelievers in reincarnation, for example. And both are infidels and atheists so far as fundamentalist Muslims are concerned. On the other hand, from the point of view of Freethinkers, both Christians and Muslims are unbelievers with respect to Freethinkers' conviction that facts and reason are the only acceptable tools for discovering and justifying truth and moral values.

But for their religious beliefs, COF's members are typical Americans. COF members include those now serving in the armed forces. One of NTCOF's members is at this moment serving our nation in the deserts of Iraq where he has been for some time, and from which we hope for his safe return. Our members are of European, African, Asian, and other ancestries. We come from all walks of life, being active members of the armed services, veterans, peace officers, students, teachers, doctors, lawyers, mothers, fathers, and even young children to the extent that it is possible to have a grasp of serious questions of religion and theology when young. Similarly, we belong to all political parties.[8]

The most reliable figures (see Appx., at pp. 13a-16a) show Christians remaining the majority religious group at 77% of Americans. But 14.1% of Americans reported being atheists or agnostics,[9] humanists, secular or having

[8] Mayer, E., Kosmin, B.A., and Keysar, A., American Religious Identification Survey 2001 ("ARIS") (see attached Appendix ("Appx."), at pp.1a-72a). ARIS found that among those identified as Atheist, Agnostic, Humanist, Secular, or having "no religion," 43% were political Independents, 30% Democrats, 17% Republican and 10% affiliated with other or no political parties. (Appx., at pp. 53a-54a.)

[9] The two terms are not mutually exclusive. COF promotes both

(continued)

"no religion,"[10] up from 8.2% in 1990. Another 5.4% refused to declare their religious affiliation,[11] and this, too was increased from 2.3% in 1990. This is consistent with 16% of Americans describing their outlook as being either "secular" or "somewhat secular." Only 3.7% of Americans are affiliated with other non-Christian religions, up from 3.3% in 1990. Appx. at p. 17a.

Clearly, those who doubt or disbelieve in God or any god(s) represent a substantial minority of Americans.[12] Yet we remain almost invisible, largely because of the effects of pervasive hatred directed towards us by believers and their religious leaders. When non-Christian perspectives are sought, Jews, Hindus or Muslims are reliably chosen to represent them, so great is the prejudice against Americans who do not have a belief in any god(s).

atheism – lack of belief in god(s) – as well as philosophical ignorance/skepticism with respect to propositions for which insufficient evidence exists either to affirm or deny.

[10] Atheists and agnostics often answer "no religion."

[11] Many atheists and agnostics would be expected to so answer out of a habit of concealing their unpopular convictions or feeling that questions from strangers concerning their religious beliefs are of too personal a nature. The authors of ARIS 2001 suggest that these respondents may be indicative of what sociologist Thomas Luckmann called "invisible religion" or "the retreat of the individual into the 'private sphere' of subjective autonomy." (Appx., at p. 19a.)

[12] A disproportionate share of this minority consists of more highly educated Americans. Last October, for example, The Harris Poll reported data showing that the likelihood of belief in God diminished from 82% for those with a high school education or less to 73% for those with postgraduate training. The level of certainty of such belief was reduced even more sharply with educational achievement. www.harrisinteractive.com/harris_poll/index.asp?PID=408 accessed 2/11/2004. Among scientists the portion of those believing in God has been found to be less than 40% (Larson, EJ & Witham, L, *Nature* 386:435-436; 1997) and among the most eminent of scientists only 7-8%. (Larson, EJ & Witham, L, *Nature*, **394**:313; 1998).

But unbelievers generally and COF members specifically are not indifferent to nor disinterested in religious questions. On the contrary, we care very deeply about such matters. And we are as offended and injured as Christians are when their government promotes theological doctrines with which they fervently disagree.[13]

Our system of law and government does not include ombudsmen or human rights commissioners. Private litigation, especially against governmental entities, is demanding and expensive and religious liberty cases are almost always controversial, divisive and bring obloquy on those who bring them even when they are in the right. This is why unbelievers depend critically on the serendipity of cases such as the instant one which subject sometimes long-festering injustices to scrutiny under the Religion Clauses. Amicus COF looks to the judicial system and, in particular, to this Court to follow its traditions and precedents in maintaining the practical force of these constitutional protections, even when – indeed, especially when – the religious majority would prefer to ignore them and continue trampling on the rights of the minority.

[13] See, e.g., Altman v. Bedford Central School District 45 F.Supp.2d 368 (S.D.N.Y. 1999) [enjoining school district policies in which students construct a paper likeness of a Hindu god, construct "worry dolls" as a stress management tool, and "present a liturgy addressed to the Earth as if it were the Creator, or divine"].

In Eklund v. Byron Union School Dist., U.S.D.C. Case No. 02-3004 PJH (N.D.Cal.), filed August 23, 2003, Thomas More Law Center (ironically, amicus in the instant case for Petitioner school district's policy of leading willing students in reciting "I pledge ... under God") brought suit against the school district in the Eklund case, challenging the school district's policy of leading willing students to recite "Allah Akbar" as part of a Muslim "role playing" exercise: "While portraying Muslims, the students were encouraged to use phrases in their speech such as 'in sha Allah' or 'God is willing' and 'Allah Akhar,' Arabic for 'God is great.'" Eklund Complaint, at ¶31.

The Enactment at issue in the instant case is a far more egregious violation of the Religion Clauses because it is bound up with national loyalty, the flag of our country, and the Congressional codification of the slur that "[a]n atheistic American ... is a contradiction in terms." 100 Cong.Rec. 1700 (1954).

Although COF does not claim to speak for many tens of millions of Americans, the approximately 1,000 members and supporters of NTCOF and HCOF are typical and representative of the largest portion of Americans for whom, like Respondent Michael A. Newdow ("Newdow"), the words "under God" inserted into the Pledge of Allegiance (the "Pledge") by Congress in 1954 are an unmistakable violation of our constitutional religious liberties.[14] This constitutional violation takes on proportions in today's post-9-11 world which are simply intolerable.

II. SUMMARY OF ARGUMENT

Newdow has standing to challenge this wrong. Nothing the California Family Court decided or might properly decide affects his standing. Petitioner EGUSD has admitted the facts establishing Newdow's legal interests sufficient to confer standing upon him.

The Enactment is unconstitutional; it is no mere "historical acknowledgment" or "de minimus" matter. On the contrary, it harms Americans who conscientiously reject the theological doctrines it represents by denying us an equal opportunity to express our patriotism, inviting in-

[14] COF understands that the substantive question for which this Court granted certiorari is not whether the 1954 Act amending the Pledge is constitutional, but the more narrow one set forth at page i, *supra*. However, if the 1954 Act is unconstitutional, EGUSD's policy is invalid. Accordingly, for the sake of brevity this brief may occasionally treat the substantive question as being the same as whether the 1954 Act is constitutional, and refer to both the Act and the school district policy collectively as the "Enactment."

vidious discrimination against us, driving us to conceal our beliefs and poisoning the religious "marketplace of ideas." The various arguments asserted by Petitioners and their amici to the contrary are false and/or illogical.

As a fully functioning church whose members do not believe in God or in any god(s), COF endeavors to provide this Court with a unique perspective from the standpoint of Americans who as a matter of their religious beliefs, conscience and practice reject the theological doctrines embodied in the 1954 "under God" insertion into the Pledge.

III. ARGUMENT

A. NEWDOW HAS STANDING.

The poverty of the arguments of Petitioners and their amici on the substantive Constitutional question before the Court in this case has driven them to *ad hominem* attacks upon Newdow's "standing" by which they seek to avoid any determination on the merits. In doing so they advance a hodge-podge of utterly nonsensical arguments that (i) ignore the uniform holdings of this Court[15] that no branch of government may lend its power to one or the other side in private controversies over religious authority or dogma,[16] (ii) ignore the holdings of the vast majority of State courts consistent therewith holding that parents' religious freedoms cannot be abrogated by custody or visitation orders in the absence of a clear showing of harm to the child; and (iii) muddle and confuse Article III "standing" with the "real party in interest" requirement of F.R.C.P. Rule 17.[17]

[15] See, e.g., Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull Memorial Presbyterian Church, 393 U.S. 440, 445, 452 (1969), Kedroff v. St. Nicholas Cathedral, 344 U.S. 94, 95-119 (1952) and Serbian Eastern Orthodox Diocese v. Milivojevich, 426 U.S. 696, 708-725 (1976).

[16] They also ignore In re Marriage of Murga, 103 Cal.App.3d 498, 505 (1980) and In re Marriage of Mentry, 142 Cal.App.3d 260, 264-265 (1983) which both apply that very rule in the context of religious disputes between parents over the religious upbringing of their children.

B. THE ENACTMENT IS UNCONSTITUTIONAL.

No honest or accurate First Amendment analysis can possibly save the Enactment from its obvious invalidity under the Religion Clauses. For the Congress to pass a law codifying and promoting religious bigotry (which the Enactment clearly does) is an unmistakable violation of the First Amendment. Only a decision by this Court overruling a long series of this Court's precedents could possibly reverse the Ninth Circuit's decision in this case.

1. The Enactment Establishes Religion.

The legislative history of the 1954 Act – shocking in its ignorance and unbridled bigotry – clearly shows its religious purpose. Appx., at pp. 73a-79a. Its sponsors offered the classic rationale and rhetoric for the unconstitutional commingling of church and state: that the "true meaning" of nation and nationality is linked to theological doctrine, that the "*one thing*" that distinguishes traitors and enemies is their rejection of such doctrine, and that the highest mark of patriotism is to uphold and defend religious orthodoxy. Indeed, the singular essence of religion itself is at one point falsely claimed to inhere in a belief in God while at another point it is claimed that belief in God has nothing to do with religion but is just an unas-

[17] COF believes that the standing arguments submitted by Newdow in his brief and those contained in the amicus brief submitted by United Fathers of America and Alliance for Non-Custodial Parents Rights are more than adequate, and therefore COF joins therein, and incorporates same herein as though fully set forth and repeated.

sailable fact.

Nor was there any doubt during the deliberations that "God" referred to the Christian deity who actively rules over human events, demands worship and causes nations to prosper or fail depending on the degree to which they render homage to and obey this deity. Appx., at p. 74a and 76a-78a.[18]

As part of the Flag Day ceremony celebrating the new religious Pledge, the House chaplain offered a prayer to "the Prince of Peace," expressed approval that "as the flag was raised a bugle rang out with the familiar strains of 'Onward, Christian Soldiers!' and then launched into a tirade. Appx., at pp.75a-76a.

The dishonesty of the sponsors and supporters of the Enactment in denying that it was an establishment of religion in violation of the First Amendment revealed further religious bigotry. See Appx., at pp.78a-79a.[19]

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[18] The reference to Hitler by Mr. Wolverton at 11 Cong. Rec. 7763 (1954) Appx., at p. 78a, is disingenuous (or misinformed) because "GOTT MIT UNS" – "GOD IS WITH US" – was a well-known slogan of the Wehrmacht embossed on the belt buckles of Hitler's troops.

[19] The last sentence of S. Rep 83-1287 (1954) quoted at Appx. p.79a suggests that Sen. Ferguson drew the entirely wrong conclusion from West Virginia State Bd. Of Educ. v. Barnette, 319 U.S. 624 (1943), namely, that this Court supposedly ruled in Barnette that so long as no one were forced to recite the Pledge, it would not matter that it affirmed a theological doctrine. Barnette of course held no such thing. Rather, in Barnette, it was "not clear whether the regulation contemplates that pupils forego any contrary convictions of their own and become unwilling converts to the prescribed ceremony or whether it will be acceptable if they simulate assent by words without belief and by a gesture barren of meaning." 319 U.S. at 633. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion **or** force citizens to confess by word or act their faith therein." Id., at 642; emphasis added.

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It is beyond question that the Enactment endorses and was intended to endorse Christianity (or the chimera of "Judeo-Christianity," whatever that may be). It expresses active hostility to competing theological doctrines, as well as those religions with which it is inconsistent, including all non-Christian theisms, polytheisms, pantheism, atheism, and other idiosyncratic forms of belief in the supernatural.

2. The Enactment Is Not An "Acknowledgment" Of History Because History Does Not Support The Assertion That The Republic Is A "Nation Under God".

The Constitution makes no mention of the metaphysical origins of inalienable rights. In particular, there is no recognition of the doctrine that such rights "come from" the Christian God or any god(s).[20] The claim that the United States was founded on this "fundamental belief" is therefore simply false. Indeed, it is implausible that believers could be so long ignorant of an idea claimed to be central to Christianity but which nevertheless obviously did not apply to slaves or to women.

Some of Petitioners' amici cite Thomas Jefferson's saying: "The God who gave us life gave us liberty at the same time;" but the full quotation continues: "... the hand of force may destroy, but cannot disjoin them."[21] In misquoting Jefferson they miss his point: that life and liberty are identical and inextricably entwined concepts, not that inalienable rights "come from" God.

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[20] Nor is it mentioned in the Virginia Declaration of Rights of June 12, 1776. (Appx., at pp. 81a-82a.)

[21] "A Summary View of the Rights of British America", a forerunner of the Declaration of Independence, available at http://libertyonline.hypermall.com/Jefferson/Summaryview.html accessed 2/10/2004.

Similarly, the usage of such vague terms as "Creator," "Nature's God," "the Supreme Judge of the world" and "Divine Providence" in the Declaration of Independence are rhetorical and political and not theological.[22] The Declaration was not – nor was it intended to be – law and these references are in keeping with its historical context and polemical purpose. For at the time there was and could be no distinction between the political and the religious.[23] The King of England was also the Head of the Anglican Church and the Christian biblical-theological doctrine with which our forbears contended – which they sought to overthrow! – was the widely-accepted and deeply-rooted divine right of kings on which the fabric of English society then rested.[24] Once American independence had been won, the Founders' intentions and actions – despite their personal beliefs – clearly show that they

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[22] Many of the Founders were Deists, with which the Enactment is inconsistent. (See Section IIIB1, *supra*.)

Only a year later, in 1777, and with the outcome of the Revolutionary War still in doubt, only a single vague reference to the "Great Governor of the World" appears in the Articles of Confederation, and then only in the last article and as having "incline[d] the hearts of the legislatures" of the time to enter into a confederation.

[23] In the same spirit of the Enactment at issue, a resolution of the British House of Commons in 1629 stated that "Whosoever shall bring in innovation of religion, ... or other opinion disagreeing from the true and orthodox church, shall be reputed a capital enemy to this kingdom and commonwealth." Gee, H., and Hardy, W. J. (ed) *Documents Illustrative of English Church History* (New York: Macmillan, 1896), pp.521-7.

[24] Martin Luther, founder of the Protestant Church, said "[W]e must endure the authority of the prince. ... Obedience is to be rendered for God's sake, for the ruler is God's representative. However they may tax or exact, we must obey and endure patiently." Hess, L., The Political Theories of Martin Luther (New York: Putnam's, 1910) p. 104 ("Tribute to Caesar" sermon).

meant to establish an entirely new order by forever divorcing the religious from the political, precisely because of the danger and oppression occasioned by their combination.

Thus, instead of substituting one theological doctrine (a "nation under God") for another (the "divine right of kings"), they asserted the secular principle of governments "deriving their just Powers from the Consent of the Governed."[25] The governed, in turn, were guaranteed religious liberty by means of government religious neutrality.

Accordingly, the U.S. Constitution mentions neither God nor any god(s).[26] There was not even any debate on the subject during the Constitutional Convention. Nor do the Federalist Papers mention God by name and none of the Anti-Federalist Papers object to the absence in the Constitution either of God or of any supposedly "fundamental" theological doctrine.

The Northwest Ordinance is cited as "proof" of the claim that we are a nation "under God." But that document refers only to the importance of religion which, to be interpreted as support for the United States' being a nation "under God" would require that "religion" mean only the Christian religion.

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[25] Declaration of Independence, 1776.

[26] By contrast, the defunct and detestable Constitution of the Confederate States of America invokes the "favor and guidance of Almighty God."

The U.S. Constitution states that "We The People" are the final authority. The notion that unaided human beings may act to become "more perfect" is antithetical to the concept of a nation "under God." The only explicit mention of religion is to prohibit religious tests for public office, while the "Year of Our Lord" was no more an endorsement of God in the 18th Century than "Wednesday" is an endorsement of the Teutonic deity Woden in the 21st.

The words "under God" are defended as supposedly coming from Lincoln's Gettysburg Address. This, too, is (at best) a half-truth in that the first two manuscripts of that speech, in Lincoln's own hand, including the one he is believed to have spoken at the ceremony, do not contain the phrase. (Appx., at pp. 84a-85a.) It is generally believed that the words were added later at the suggestion of Lincoln's Secretary of State William Seward.[27] This is acknowledged in the legislative history of the 1954 Act.[28] An opinion requested by Congress from the Legislative Reference Service of the Library of Congress noted that "the insertion is intended as a general affirmance of the proposition that the United States of America is 'founded on a fundamental belief in God'" whereas "the expression is used in Lincoln's Gettysburg Address ... seems to mean 'With the help of God'"[29] relating to a specific hope of the time.

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[27] Lincoln would later say of another such reference to God: "Oh, that is some of Seward's nonsense, and it pleases the fools." Steiner, F. The Religious Beliefs of Our Presidents (Haldeman-Julius, Girard, KS 1936), at p.138 (Lincoln's statement to Judge James M. Nelson, in response to a question from Nelson: "I once asked him about his fervent Thanksgiving Message and twitted him with being an unbeliever in what was published.") Id. This same work and others reveal that many of Lincoln's closest friends and colleagues knew him as an unbeliever who emphatically denied Christian doctrines. Thus, the assertions in the legislative history that "Lincoln was there!" at the passage of the Enactment because "Under God was the fundamental belief of his life" (Appx., at p. 75a) are utterly and recklessly at odds with facts that were known at the time. That "every President from George Washington onward" (Id.) would also have approved is likewise false.

[28] 100 Cong. Rec. 7764 (1954), Appx., at p. 79a.

[29] H.J. Res. 243, 83rd Congress *2d Session* Report No. 1693 (May 28, 1954) (Report submitted by Mr. Jonas of Illinois, from the Committee on the Judiciary).

Many of the Petitioners' amici selectively cite personal statements of the Founders and American Presidents in support of their assertions. But the same can be done on the side of religious skepticism.[30]

In addition, Article 11 of the Treaty of Peace and Friendship between the United States of America and the Bey and Subjects of Tripoli, of Barbary, in 1796, explicitly stated that "the government of the United States of America is not in any sense founded on the Christian Religion." Appx., at pp. 80a-81a. This convention was approved by the U.S. Senate in 1797 in a unanimous recorded vote and, by virtue of Article VI of the United States Constitution, was the supreme law of the land.[31] There is no record of any objections to the treaty, either in the Senate or in response to the document's publication in New York and Philadelphia newspapers.[32] The treaty was signed into law by President John Adams who himself wrote that deities had nothing to do with the founding of the United States. Appx., at p.81a.

Thus, the theological doctrines embodied in the 1954 "under God" insertion are foreign if not antithetical to the principles on which the Republic was actually founded and, in particular, to the principle of state-church separation embodied in the First Amendment.[33] At best, the

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[30] See "Quotations that Support the Separation of State and Church," at www.infidels.org/library/modern/ed_buckner/quotations.html accessed 2/10/2004.

[31] "Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States." Missouri v. Holland, 252 U.S. 416, 433 (1920); U.S. Const, Art. VI, cl.2.

[32] www.museumstuff.com/articles/ar187051062241851.html accessed 2/10/2004.

[33] The 1954 Congress failed to understand that what distinguished us from our communist adversaries was not what gods they did not be-

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claim that "our rights come from God" is simply a religious belief of some Americans.

The original intent of the Founders as shown by their words and example is clear. Where laws or other official governmental policies are concerned, there should be no notice taken of such theological doctrines.

3. <u>"Historical Acknowledgment" Does Not Save The Enactment Because The Historical Context Of The Republic's Founding No Longer Obtains</u>.

Freethinkers of the late 18th Century were arguably justified in their sympathies with Deism, the idea that some paranormal power had "wound up" the universe and set it running like an enormous clockwork. This justification rested primarily on the primitive status of scientific understanding. Although one of the Founders – Benjamin Franklin – personally demonstrated that lightning was a physical and not a supernatural phenomenon (and his lightning rod was angrily opposed by many of the clergy of his day),[34] many things remained inexplicable.

<u>lieve in</u> but the false economic principles in which they <u>did believe</u>, namely the dubious "Labor Theory of Value" and the "historical inevitability" of the destruction of capitalism. Unlike the Framers, the 1954 Congress had more faith in the theological doctrine of "under God" than in the Enlightenment principles of human liberty.

[34] "[T]he clergy, both in England and America, with the enthusiastic support of George III, condemned it as an impious attempt to defeat the will of God. For, as all right-thinking people were aware, lightning is sent by God to punish impiety ... Benjamin Franklin ought not to defeat His design; ... Dr. Price, one of the leading divines of Boston ... [preached that] Massachusetts was shaken by earthquakes" as punishment from God for the affront. Russell, B, "An Outline of Intellectual Rubbish," <u>Unpopular Essays</u> (1950); available online at <u>www.luminary.us/russell/intellectual_rubbish.html</u>

<u>See also</u>, White, AD ("White"), Ch11, Pt 4, "Theological Opposition to Inoculation, Vaccination, and the Use of An sthestics" in <u>A History</u>

(continued)

Vaccination (also opposed by clergy)[35] was in an embryonic stage. The Germ Theory of Disease lay a century in the future.[36] It was wrongly thought at that time that organic and inorganic chemistry were fundamentally different,[37] while the discovery of the structure of DNA would take another 177 years. In the late 18th Century no less a genius than Thomas Jefferson rightly doubted that stones could fall from the sky.[38]

Under such conditions, few people could have objected to vague references to "Providence" and the like because hardly anyone had good reason to believe differently. That is no longer the case in contemporary America. Just as "freedom of the press" no longer refers exclusively to newspapers,[39] "an establishment of religion" and "the free exercise thereof" refers to more than the religious opinions and sects in existence in the late 18th Century.[40] To-

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<u>of the Warfare of Science with Theology in Christendom</u> (New York, NY: D. Appleton & Company, 1896).

[35] White, *supra*, Ch13, Pt 10, note 55.

[36] Koch's Postulates were published in 1884.

[37] As is well understood today by scientists, no "vital spirit" is necessary to explain living things. And many medical practices considered acceptable in the 18th Century are now known to be useless or are unlawful.

[38] Letter to Daniel Salmon, February 15, 1808; <u>see also</u> Cerf & Navasky, *The Experts Speak*, Villard, NY 1984, 1998, p 320.

[39] This Court's jurisprudence has repeatedly recognized precisely this. When technological change has rendered its literal terms ambiguous, the law must be construed in light of its basic purpose. <u>Twentieth Century Music Corp. v. Aiken</u>, 422 U.S. 151, 156 (1975); <u>Sony Corp. of America v. Universal City Studios, Inc.</u>, 464 U.S. 417, 432 (1984).

[40] With characteristic foresight, Thomas Jefferson wrote to John Adams on April 11, 1823: "And the day will come when the mystical generation of Jesus, by the supreme being as his father in the womb of a virgin, will be classed with the fable of the generation of Minerva in

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day the question of the existence of God or any god(s) is very much in doubt, a fact that is well-attested to by the prevalence of Christian-sponsored debates on the subject.

Therefore, even though some of the Framers believed in a deity, or that such a deity had some relevance for where inalienable rights "come from," there are many alternatives to such notions today. Neither a belief in the individual dignity of human beings nor even natural law theory requires the Christian God or any other god(s).[41]

In any case, the Framers did not think it wise to enshrine or even to acknowledge their beliefs on the matter in the Constitution. Nor can the historical context of the times be "acknowledged" by the clumsy, sectarian "under God" insertion which means something quite different today to Americans of diverse beliefs informed by very different facts about the nature of the universe and reality than were known in the 18th Century.

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the brain of Jupiter ... But we may hope that the dawn of reason and freedom of thought in these United States will do away with all this artificial scaffolding."

[41] Notable Americans such as Robert G. Ingersoll and atheist philosophers such as Ayn Rand and Bertrand Russell resolutely championed human liberty and dignity on the basis of reason alone. Indeed, Freethinkers hold that freedom must rest on a sturdier basis than immaterial beings who speak through numerous competing interpreters of rival "holy" books. Otherwise human liberties would be reduced only to what ecclesiastical "authorities" say they are. That illegitimate claim to authority is the whole point and purpose of the Enactment under challenge in this case as well as the reason this case presents no trifling matter over two mere words in the Pledge.

4. <u>The Enactment Is Not "Acknowledgement" But Active And Ongoing Endorsement Of Theological Doctrine To The Detriment Of Other Beliefs</u>.

This case is not about the personal opinions of American citizens or leaders of any century. It is not about the words of a speech, a poem, a song, or the words or images of paintings or statuary. Nor is it about the general importance of religion and religious questions in the lives of Americans. This case is about a Congressional Act concerning "the verbal manifestation of an American's loyalty and patriotism"[42] that carries the force of law and, as such, wends its way through such policies as that of the Petitioner and thereby affects and influences all Americans on an active and ongoing basis to the detriment of Newdow and those like him such as COF's members.

In <u>Torcaso v. Watkins</u>, 367 U.S. 488, 495 (1961), the Court struck down a Maryland requirement that appointees to state offices including notaries public declare a belief in God. The Court stated:

> "[N]either a State nor the Federal Government can constitutionally force a person 'to profess a belief or disbelief in any religion.' Neither can constitutionally pass laws or impose requirements ***which aid all religions as against non-believers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs.***"[43]

The Enactment presents a far more egregious injus-

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[42] 100 Cong. Rec. 8317 (1954) (Sen. Homer Ferguson.)

[43] 367 U.S. at 495, 81 S.Ct. at 1683-1684; emphasis added.

tice in that it deliberately added to a simple patriotic expression lacking any religious flavor an avowal of theological doctrine. And it was meant to do so.[44] It was meant to and seen as "running up the believer's flag ... to the gaze of those who deny the sacred sanctities."[45] It was meant to make outsiders of unbelievers whose "citizenship is of no real value" because they cannot "open [their] souls before God and before Him conscientiously say 'I am an American.'"[46]

Recent events have sharpened this injustice. For since the terrorist attacks of September 11, 2001 in the name of Allah, all Americans have felt the need to express their patriotism and support for their nation. COF issued an official statement in the aftermath of the attacks that included a plea to distinguish theological doctrines from love of country.[47] For despite the prejudices of Congress[48]

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[44] The Pledge "is not only a pledge of words but also of belief." 100 Cong. Rec. 6349 (1954) "[M]illions of our citizens will be acknowledging this belief [in God] every time they pledge allegiance to our flag." 100 Cong. Rec. 7757 (1954)

[45] 100 Cong. Rec. 8617-8 (1954); Appx., pp. 75a.

[46] 100 Cong. Rec. 7765 (1954) (Mr Addonizio.)

[47] church.freethought.org/september11.html accessed 2/10/2004.

Although the U.S. Administration changed the name of its Afghan operation from "Infinite Justice" and banned the word "crusade" from its lexicon out of deference to Muslim sensitivities, no such consideration was extended to America's unbelievers. To their credit, businesses including *Time* magazine, Dr. Pepper/Seven Up Inc, and many others displayed and promoted the inclusive pre-1954 "one nation indivisible" slogan, thereby inviting economic boycotts by those who wish the government to exalt "under God" theology.

[48] Less than a decade after defeating the Nazis, the loathing of Congress for atheism eerily echoed that of the Nazis for Judaism (which the Nazis also identified with communism): "[W]hen Francis Bellamy wrote this stirring pledge, the pall of atheism had not yet spread its hateful shadow over the world." 100 Cong. Rec. 18 (Appendix), (continued)

and of many theistic Americans, we unbelievers are loyal and patriotic Americans who yearn to express our allegiance equally and united with our fellow citizens by, among other things, reciting the Pledge in its legally-prescribed, official manner. We wish to exercise our right as American citizens to proclaim our loyalty to our country and its principles in the legally prescribed manner at our church services and at every other appropriate occasion, and we wish our children to do so alongside their religiously diverse fellow Americans in the public schools. But the Enactment under challenge in this case denies us that right. It denies us our right of free exercise of our religion. It forces us to choose between our love of country and affirmation of the theological doctrines added to the Pledge which we find repugnant – indeed, which were deliberately inserted into the Pledge for the purpose of denigrating our religious beliefs and putting us on notice that our government considers us traitors and enemies because of our religious beliefs.

5. The Enactment Is Not A "De Minimus" Matter.

Virtually without exception, violations of the Religion Clauses are borne of a deep-seated insensitivity and callous disregard for others' religious beliefs and practices. Most often these are borne of an understandable ignorance of unfamiliar beliefs and practices in a diverse society such as ours. But where atheists are concerned, such as here, these attitudes take on a malignant flavor. Almost any violation of the Religion Clauses short of the es-

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A3448 (May 11, 1954) Ironically, the world has come to witness not the "pall of atheism" but the "pall" of radical religious fundamentalism which has "spread its hateful shadow over the world" beginning at least as early as 1979 in Iran and culminating in the events of "9-11" which have set the stage for even more nightmarish threats.

tablishment of a state church complete with buildings, bishops and bibles is brushed off as a "de minimus" trifle.[49] Such violations are always trifling in the eyes of their proponents, but never so trifling as not to be worthy of the most ferocious defense when challenged.

It is all the more outrageous in this case when the legislative history of the Enactment shows that it was considered "momentous" and a "sacred mission." (Appx., at pp. 74a-75a.) But "freedom of religion" must mean freedom from preferential government recognition and endorsement of other people's religions, as this Court has repeatedly held.[50] This can only mean a policy of religious neutrality that this Court has toiled to uphold and which it is now called upon to reaffirm.[51]

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[49] The excuse of "ceremonial Deism" is unnecessary to justify Constitutionally valid use of true linguistic fossils, words and expressions whose etymologies – but not current meanings – relate to religious beliefs and practices. Moreover, it would indeed violate the Religion Clauses if, through governmental institution of "ceremonial Deism," words and expressions having religious significance were thereby to become "drained" of such meaning.

[50] See, e.g., Torcaso v. Watkins, 367 U.S. 488, 495 (1961).

[51] Of course, when it suits them to do so, those arguing for reversal in the instant case concede that the Religion Clauses mandate strict neutrality. In this very Court on December 2, 2003 in Locke v. Davey, No. 02-1315, the United States Solicitor General, Theodore B. Olson, describing a Washington State scholarship program which excluded theology majors, argued that "the clear and unmistakable message is that religion and preparation for a career in the ministry is disfavored and discouraged." "Supreme Court Split In Church-State Case", Seattle Post-Intelligencer News Services, Dec. 3, 2003, available online at seattlepi.nwsource.com/local/150831_davey03.html accessed 1/26/2004. "His argument met an unexpectedly skeptical response from Justice Sandra Day O'Connor, who said: 'Well, but of course, there's been a couple of centuries of practice in this country of not funding religious instruction by tax money.' She added, 'I mean, (continued)

6. Atheist Religions Are "Religion" Entitled To Protection Under The Religion Clauses Of The First Amendment.

Petitioners and their amici assert that the Pledge without "under God" would be a capitulation to atheism which they characterize as an absence of religion such that an absence of religion from the Pledge would be atheistic. This assertion is fallacious because not only is there no authority supporting it but it would effectively read the Establishment Clause out of existence.

Federal courts have defined "religion" for First Amendment purposes:

> "First, a religion addresses fundamental and ultimate questions having to do with deep and imponderable matters. Second, a religion is comprehensive in nature; it consists of a belief-system as opposed to an isolated teaching. Third, a religion often can be recognized by the presence of certain formal and external signs."[52]

The "formal and external signs" listed by the court include: "formal services, ceremonial functions, the existence of clergy, structure and organization, efforts at propagation, observance of holidays and other similar manifestations associated with the traditional religions."

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that's as old as the country itself, isn't it?' 'Well, yes it is,' Olson replied. 'But there is the other tradition that is as old as the country itself, the free exercise component of the religion clauses, which this court has said repeatedly mandates neutrality.'" Id.; emphasis added.

[52] Malnak v. Yogi, 592 F.2d 197 (3d Cir. 1979) (Adams, J., concurring), adopted by Africa v. Commonwealth of Pennsylvania, 662 F.2d 1025, 1032 (3d Cir. 1981), cert. denied, 456 U.S. (1982), also applied by the Ninth Circuit in Alvarado v. City of San Jose, 94 F.3d 1223 (9th Cir. 1996).

Malnak, 592 F.2d at 209. Amicus COF clearly meets all these criteria. See Section I, *supra*. Nor must a religion, to be entitled to protection, recognize a supreme being[53] or arise from a traditional or even an organized religion.[54]

These are the realities that justify definitions and ideas of religion in law as "all aspects of religious observance and practice, as well as belief,"[55] "as a means of relating the individual to his fellowmen and to his universe."[56]

Finally, a set of beliefs constitutes a "religion" under the First Amendment when it "occupies a place in the lives of its members 'parallel to that filled by the orthodox belief in God' in religions more widely accepted in the United States."[57] The court in Dettmer held that witchcraft was a religion entitled to protection under the Religion Clauses in part because "[a]nother objective criterion showing the Church of Wicca to be parallel to recognized religions is witchcraft's long history."[58] Freethought, as

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[53] Torcaso, *supra*.

[54] Frazee v. Illinois Department of Employment Security, 489 U.S. 829 (1989).

[55] 42 U.S.C. §2000e(j).

[56] United States v. Kauten, 133 F.2d 703, 708 (2d Cir. 1943) (Augustus N. Hand, J.).

[57] Dettmer v. Landon, 799 F.2d 929, 931 (4th Cir. 1986); see Thomas v. Salatich, 328 F.Supp. 18, 21 (E.D. La. 1992).

[58] 799 F.2d at 932.

"[R]eligious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." Thomas v. Review Board, 450 U.S. 707, 714 (1981). Nevertheless, it is submitted that the religious beliefs of Freethinkers are the most "acceptable, logical, consistent, or comprehensible" of all, since they reject god(s), miracles and other forms of supernaturalism and deny that faith in such doctrines is a virtue. Neither must religious observances be uniform to merit the protection of the Religion Clauses. The Supreme Court has recognized that differing beliefs

(continued)

well as atheism, has a long history dating to the classical era, a fact that flies in the face of assertions that belief in God or in any god(s) is or ever was universal.

In short, the assertion that only a belief in God or in any god(s) are religion is an impudent attempt to claim the Religion Clauses for some in order to exclude others, effectively establishing a kind of religious orthodoxy that the First Amendment expressly prohibits.[59]

7. The Enactment Infringes The Free Exercise And Equal Protection Rights Of COF And Its Members.

Like Newdow, many COF members are parents whose children attend public schools where as a matter of policy all students are led in reciting the Pledge. Most of these parents maintain intact families but in other cases not, and those parents can be either custodial or non-custodial. Other COF members maintain relationships with grandchildren, nieces, nephews, and other minor relatives who are by law led to affirm that the United States is a nation "under God." In all cases, these COF members' relationships are directly and adversely affected as a result.

Most COF parents simply suffer the injustice of their children being instructed that their core religious beliefs and those of their parents and religious leaders are contrary to the officially endorsed religious doctrines of the

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and practices are not uncommon among followers of a particular religion. Id., 450 U.S. at 715 "It is not within the judicial function and judicial competence to inquire whether [anyone] ... more correctly perceived the commands of their common faith. Courts are not arbiters of scriptural interpretation." Id. at 716.

[59] Ironically, this attempt, if successful, would place Petitioners and their amici in the position of exalting witchcraft and devil worship over atheism and the most virulent anti-American forms of Islam over Freethought.

United States, that their religious training in Freethought is antithetical to their national allegiance and American citizenship and that, as Congress unashamedly declared in passing the 1954 Act, "[a]n atheistic American ... is a contradiction in terms."[60]

Some children of COF members say or mouth the words "under God" in order to "go along to get along," being thereby taught as part of a "patriotic exercise" that feeling coerced into deception and dishonesty is a part of "liberty and justice for all." Other children whose atheism becomes known become the targets of verbal and physical abuse, which their classmates consider entirely justified in a nation that is "under God," the government of which has legislated and teaches that atheists are traitors and enemies. In some cases, impelled by these injuries, parents may be able to resort to solutions such as private schools or homeschooling.

COF also has among its members teachers and other staff in the public schools who obviously must also maintain relationships with youngsters who are led in the religious ritual under challenge in this case. In the case of teachers, they are also required to lead a recitation to which they conscientiously object. Again, these individuals have had to either compromise their principles in shame or find other solutions.

Many COF members were themselves indoctrinated in theistic religions and subsequently rejected belief in god(s). Their feelings often if not uniformly include a measure of resentment at their having been, by virtue of a government-mandated religious ritual, subjected to the "under God" mantra as children in the public schools which they feel hindered their personal search for under-

[60] See last para. of footnote 13, *supra*.

standing with respect to religious questions.[61]

Thus, the Enactment makes "outsiders" of unbelievers[62], marginalizing them and exposing them to scorn and ridicule. It sends the unmistakable message that COF members are not and cannot be legitimate citizens, much less patriotic Americans. Many believers are only too happy to make this message explicit. "This is one nation under God!" is one of the most common and pernicious forms of abuse directed at atheists. But the Enactment also makes it a fact. Indeed, the Enactment shelters religious orthodoxy by hindering meaningful discussion about the existence of God or any god(s) and helps to ensure that religious questions remain focused on theological doctrines. It poisons the "marketplace of ideas" with respect to religion.[63]

The FBI's statistics for 2002 showed that 17.9% of hate crimes are religiously motivated.[64] A proportion of these were directed at atheists and agnostics and reflect a prevalence of hatred against unbelievers that is actively contributed to by the Enactment. Since it is possible for atheists to conceal their religious beliefs, many do so in order to avoid persecution, which effectively stifles their religious expression and practice. And in being removed from playing a role in public discussion of religious ques-

[61] ARIS found that about 16% of American adults reported changing their religious preference or identification at least once. (Appx., at pp. 32a-33a.) It is a clear violation of the Religion Clauses for government policies to influence these kinds of choices, which the Enactment certainly does.

[62] Lynch v. Donnelly, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring).

[63] The Enactment has also served as justification for economic boycotts against businesses that dare use the more inclusive phrase "one nation indivisible." See second para. of footnote 47 *supra*.

[64] See www.asuc.org/hatecrimes/stats-us.html accessed 2/10/2004.

tions, the "marketplace of ideas" is again adversely affected and distorted. Almost every COF member has had personal experience of this kind.

If the Enactment had inserted "under Allah" into the Pledge it would be clear to every non-Muslim that it violated both the Religion Clauses, the Equal Protection Clause and that it invited hatred and contempt of all religious beliefs inconsistent with Islam as well as those who held them. That the Enactment as it is does not seem that way to Petitioners and their amici is exactly why these constitutional guarantees were and remain so important to "liberty and justice for all."

8. <u>Affirming The Ninth Circuit's Decision Would Not Cause Any Harm Nor Create An Unwise Precedent.</u>

It is claimed by some that upholding the lower court's decision in this case would necessitate a wholesale redaction of all historical documents for any mention of God or religion, that such documents could not be shown to pupils in the public schools, that many works of art would have to be destroyed or otherwise disposed of and that no one would be able to make any statement of religious belief or offer a prayer at any public activity and so on. These dire predictions, which have been made before and shown to be false, are simply nonsense.

To begin with, the Enactment is itself a revision of the sort that is said to be unconscionable.[65] "Under God" was added to the Pledge that had served the nation well for 62 years and through two world wars. Was the U.S. an "atheist nation" up until 1954? During all of that time it

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[65] Rep. Keating stated in 1954 that the son of the author of the Pledge "asks what other classic in American literature has been altered by Congress, to which I have been forced to reply that I know of none." 100 Cong. Rec. 7761 (1954).

never occurred to anyone that the text of the Pledge either endorsed or denied any theological doctrines.[66] Affirming the Ninth Circuit's decision would therefore do nothing more than restore the Pledge to its previous form.

Historical documents such as the Declaration of Independence, on the other hand, exist as facts of history and in an historical context that in no way makes them unfit as aids to instruction in the public schools.[67] Paintings, statuary and the like occupy a similar status.[68] It is always possible, of course, that these works could be selectively combined or presented in a way that would violate equal protection and/or the Religion Clauses. It would certainly constitute such a violation, for example, if students were required to recite chosen excerpts from such sources for the purpose of inculcating theological doctrines.

Affirming the lower court's decision in this case is entirely consistent with well-established precedent, does not interfere with or discourage the free exercise rights of believers in God or any god(s) and will not unravel "the fabric of society."

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[66] <u>Barnette</u> turned on a sectarian interpretation that the whole notion of the Pledge was idol-worship, not that it endorsed or denigrated a theological doctrine; the plaintiffs' religious beliefs were beside the point. 319 U.S. at 634-5; <u>see also</u> footnote 19, *supra*.

[67] <u>See</u> sections II.B.2. and III.B.3. *supra*.

[68] Not every vestige of slavery, segregation and gender inequalities have been erased either. But such vestiges do not justify either invidious discrimination or legislative endorsements of the theological doctrines once used to justify them.

IV. CONCLUSION

The United States is one nation under the Constitution, not one nation "under God." The Ninth Circuit decision should be affirmed.

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American Religious Identification Survey

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INTRODUCTION

What do adults say in America today when asked about their religion? How many belong to a church, temple, synagogue, mosque or some other place of worship? How many change their religion in the course of their lives? What is the mix of religious identification among American couples? These are among the many probing questions in the first large-scale national survey of religious identification conducted among Americans in the twenty-first century, and summarized in this report.

This report summarizes a ten-year follow-up study of religious identification among American adults, undertaken for the first time in 1990. Carried out under the auspices of The Graduate Center of the City University of New York, the 1990 National Survey of Religious Identification (NSRI) was the most extensive survey of religious identification in the later half of 20th-century America. That study, like the current follow-up, was undertaken because the U.S. Census does not produce a religious profile of the American population. Yet, the religious categories into which a population sorts itself is surely no less important than some of the other social-demographic categories that are enumerated by the decennial census.

Writing from the vantage point of an anthropologist of religion, Diana Eck [note 1] has observed that "'We the people' of the United States now form the most profusely religious nation on earth." We are also among the most diverse and the most changing. Often lost amidst the mesmerizing tapestry of faith groups that comprise the American population is also a vast and

growing population of those without faith. They adhere to no creed nor choose to affiliate with any religious community. These are the seculars, the unchurched, the people who profess no faith in any religion.

Since the mid-1960s, when the Harvard theologian Harvey Cox's best selling *The Secular City* [note 2] ushered in a brief era of "secularization," American religion has been widely perceived as leaning toward the more literal, fundamental, and spiritual. Particularly since the election in 1976 of President Jimmy Carter, a self-avowed Born Again Christian, America has been through a period of great religious re-awakening. In sharp contrast to that widely held perception, the present survey has detected a wide and possibly growing swath of secularism among Americans. The magnitude and role of this large secular segment of the American population is frequently ignored by scholars and politicians alike.

However, the pattern emerging from the present study is completely consistent with similar secularizing trends in other Western, democratic societies [note 3] . For example, Andrew Greeley has found that England is considerably less religious than the USA. He also notes similarly high levels of secularism in "most countries of the European continent west of Poland."

METHODOLOGY [note 4]

The American Religious Identification Survey (ARIS) 2001 was based on a random digit-dialed telephone survey of 50,281 American residential households in the continental U.S.A (48 states). The methodology largely replicates the widely reported and pioneering 1990

National Survey of Religious Identification (NSRI) carried out at the Graduate Center of the City University of New York. ARIS 2001 thus provides a unique time series of information concerning the religious identification choices of American adults.

The data were collected over a 17-week period, from February to June 2001 at the rate of about 3,000 completed interviews a week by ICR/CENTRIS Survey Research Group of Media, PA as part of their national telephone omnibus market research (EXCEL/ACCESS) surveys. The primary question of the interview was: What is your religion, if any? The religion of the spouse/partner was also asked. If the initial answer was 'Protestant' or 'Christian' further questions were asked to probe which particular denomination.

INNOVATIONS BETWEEN NSRI 1990 AND ARIS 2001

The NSRI 1990 study was a very large survey in which 113,723 persons were questioned about their religious preferences. However, it provided for no further detailed questioning of respondents regarding their religious beliefs or involvement or the religious composition of their household.

In the light of those lacunae in the 1990 survey, ARIS 2001 took steps to enhance both the range and the depth of the topics covered. For example, new questions were introduced concerning the religious identification of spouses. To be sure, budget limitations, have necessitated a reduction in the number of respondents. The current survey still covers a very

large national sample (over 50,000 respondents) that provides a high level of confidence for the results and adequate coverage of most religious groups and key geographical units such as states and major metropolitan areas.

For the sake of analytic depth, additional questions about religious beliefs and affiliation as well as religious change were introduced for a smaller representative sub-sample of (17,000) households. Even this sample is about ten times greater than most typical opinion surveys of the US population. This sub-sample as well as the larger sample were weighted to reflect the total U.S. adult population

These innovations have provided a much richer data set that goes far beyond the mere question of religious preference. The new data allow for a much more sophisticated analysis than NSRI 1990. They offer a more nuanced understanding of the complex dynamics of religion in contemporary American society and especially how religious adherence relates to countervailing secularizing trends. The information collected is also potentially much more useful for the various national religious bodies.

COVERAGE OF RELIGIOUS GROUPS

One of the distinguishing features of this survey, as of its predecessor in 1990, is that respondents were asked to describe themselves in terms of religion with an open-ended question. Interviewers did not prompt or offer a suggested list of potential answers. Moreover, the self-description of respondents was not based on whether established religious bodies, institutions,

churches, mosques or synagogues considered them to be members. Quite the contrary, the survey sought to determine whether the respondents themselves regarded themselves as adherents of a religious community. Subjective rather than objective standards of religious identification were tapped by the survey.

The overall refusal rate for the question on religion is very low, only 5.7 %. The responses categories to this question also included a "None/No religion option - chosen by 15% -- as well as a generic 'Christian' response chosen by 7% and an unspecified 'Protestant' response chosen by 2%.

RELIGION AND IDENTITY: HISPANICS & JEWS

Decades of prior research by the present scholars as well as others, has drawn attention to the multi-layered nature of social identity, particularly as it relates to religion. For example, the largest minority group in the US, the Hispanic population, is a grouping based upon cultural identity. It is a diverse grouping in terms of history, national origins and race. The common cultural elements are assumed to be the Spanish language and religion - the Roman Catholic faith - both of which can be related to the alternative usage of Latino/a for Hispanic. This assumption tends to make the existence of Hispanic Methodists or Buddhists appear to be incongruous. People identified as Hispanic or Latino are automatically presumed to be Catholic because most are and most also hail from countries that have Catholicism as their established religion.

True to expectations, the present study found that about 57% of adults who identified themselves as being

of Hispanic origins indicated their religion as Catholic. However, about 22% indicated their religion as one of the Protestant denominations, 5% indicated some other religious identification and 12% indicated that they have no religion.

Among American Jews "Jewish identity" is likewise an amalgam of religious, ethnic and cultural elements. The present study sought to ascertain the demographic boundaries of the entire population of adults in America based on religious self-classification. Thus the report focuses analysis only upon groups of adults in terms of how they classified themselves with respect to religion.

In the case of the Jewish population the study probed further into not only the religious identification of respondents, but also into parentage, upbringing and whether the respondent considered himself or herself Jewish.

We found that the Jewish adult population that identifies with Judaism as a religion represents 53% of all adults who can be classified as Jewish. The remaining 47% of the total consisted of adults who indicated they are of Jewish parentage or were raised Jewish or considered themselves Jewish for some other reason.

Projecting from the present sample, there are about 5.3 million adults in the American Jewish population: 2.83 million adults are estimated to be adherents of Judaism; 1.08 million are estimated to be adherents of no religion; and 1.36 million are estimated to be adherents of a religion other than Judaism.

As these examples should make clear, religious identification is often a highly complex attribute. For that reason, this report has limited itself to a strict and specific aspect of that identification, namely the classification of people and households on the basis of how respondents answered the key question: "What is your religion, if any?"

RELIGION AND ETHNICITY

The question of religious identification among the different racial and ethnic groups in the U.S. is of considerable importance because of the way religion and ethnic culture affect each other. In addition, the American religious scene has historically been shaped by continuous waves of immigration. The last two decades in particular have seen an unusually large influx of immigrants, especially from Asia and Latin America. Thus, many observers would expect to see the impact of these new populations on the national profile of American religious groups. Many of these changes are reported in the exhibits that follow. However, due to the size and diversity of the American population, immigrant groups even in large numbers might have only a marginal effect on the national picture.

Moreover, this study and the survey methodology of contemporary social science does not easily lend itself to capturing all elements of the newest segments of the population. Because the survey depends on telephone interviews, overcoming language barriers has proven prohibitively costly. In effect, this survey has interviewed only the English-speaking population of the U.S. In addition, many new immigrants originate in societies and states where responding to personal

questions over the telephone is an alien experience, and discussions of one's religious beliefs and identification are deemed to be risky. Therefore, in the 2001 survey the rate of refusal to questions about religion has risen from 2.3 % in 1990 to 5.4 %. It is interesting to note that among Black Americans (a non-immigrant minority) the rate of refusal to the religion question has remained at 2.3 %.

The changing composition of the Asian population has been one of the signal features of U.S. immigration. It has drawn newcomers from a wide variety of countries and cultures. As a result, between 1990-2001 the proportion of the newly enlarged Asian American population who are Christian has fallen from 63% to 43%, while those professing Asian religions (Buddhism, Hinduism, Islam, etc) has risen from 15% to 28%. Thus, for example, there are more than three times as many Hindus in the U.S. today as there were in 1990. Undoubtedly, due to the limitations of this study, we have not picked up the full impact of those changes yet.

Turning from the newest Americans to the oldest, the present survey is the first to systematically inquire into the religious preferences of a nationally representative sample of Native Americans. Although under 2 % of the total sample, their religious profile is very similar to white, non-Hispanic Americans: 20% self-identified as Baptist, 17% as Catholic and 17% indicated no religious preference. Only 3% indicated their primary religious identification as an "Indian" or tribal religion.

KEY FINDINGS

- Religious Identification Among American Adults
- Religious Institutional Membership
- Religious or Secular Outlook
- Religious Switching
- Marital Status Among Selected Religious Groups
- Mixed Religion Households
- Age and Gender Patterns Among Selected Religious Groups
- Race and Ethnicity Among Selected Religious Groups
- Political Party Preference Among Selected Religious Groups
- State by State Distribution of Selected Religious Groups

1. Religious Identification Among American Adults

The first area of inquiry in ARIS 2001 concerns the response of American adults to the question: "What is your religion, if any?" This question generated more than a hundred different categories of response, which we classified into the sixty-five categories shown in Exhibit 1 below.

In 1990, ninety percent of the adult population identified with one or another religion group. In 2001, such identification has dropped to eighty-one percent.

Where possible, every effort was made to re-create the categories respondents offered to the nearly identical question as in the NSRI 1990 survey.

As is readily apparent from the first Exhibit below, the major changes between the results of the 1990 survey and the current survey are:

a. the proportion of the population that can be classified as Christian has declined from eighty-six in 1990 to seventy-seven percent in 2001;

b. although the number of adults who classify themselves in non-Christian religious groups has increased from about 5.8 million to about 7.7 million, the proportion of non-Christians has increased only by a very small amount - from 3.3 % to about 3.7 %;

c. the greatest increase in absolute as well as in percentage terms has been among those adults who do not subscribe to any religious identification; their number has more than doubled from 14.3 million in 1990 to 29.4 million in 2001; their proportion has grown from just eight percent of the total in 1990 to over fourteen percent in 2001 [note 5];

d. there has also been a substantial increase in the number of adults who refused to reply to the question about their religious preference, from about four million or two percent in 1990 to more than eleven million or over five percent in 2001.

Exhibit 1 provides the most comprehensive profile of religious identification among the U.S. adult population today and compares the current pattern of identification with what the pattern was in 1990 [note 6].

EXHIBIT 1
Self Described Religious Identification of U.S. Adult Population, 1990 - 2001
(Weighted Estimate)

	1990 = 175,440,000		2001 = 200,980,000	
	1990		2001	
	Number	%	Number	%
Total U.S. Adult Population 18+				
Christian Religion Groups	46,004,000		50,873,000	24.5
Catholic	33,964,000		33,830,000	16.3
Baptist	17,214,000		4,647,000	2.2
Protestant – no denomination supplied	14,174,000		14,140,000	6.8
Methodist/Wesleyan	9,110,000		9,580,000	4.6
Lutheran	8,073,000		14,190,000	6.8
Christian – no denomination supplied	4,985,000		5,596,000	2.7
Presbyterian	3,191,000		4,407,000	2.1
Pentecostal/Charismatic	3,042,000		3,451,000	1.7
Episcopalian/Anglican	2,487,000		2,787,000	1.3
Mormon/ Latter-Day Saints	1,769,000		2,503,000	1.2
Churches of Christ	1,381,000		1,331,000	0.6
Jehovah's Witness				

Seventh Day Adventist	668,000		724,000	0.3	
Assemblies of God	660,000		1,106,000	0.5	
Holiness/Holy	610,000		569,000	0.3	
Congregational/United Church of Christ	599,000		1,378,000	0.7	
Church of the Nazarene	549,000		544,000	0.3	
Church of God	531,000		944,000	0.5	
Orthodox (Eastern)	502,000		645,000		
Evangelical	242,000		1,032,000	0.5	
Mennonite	235,000		346,000		
Christian Science	214,000		194,000		
Church of the Brethren	206,000		358,000		
Born Again	204,000		56,000		
Nondenominational	195,0001		2,489,000	1.2	
Disciples of Christ	144,000		492,000		
Reformed/ Dutch Reform	161,000		289,000		
Apostolic/ New Apostolic	117,000		254,000		
Quaker	67,000		217,000		
Full Gospel	51,000		168,000		
Christian Reform	40,000		79,000		

14a

Foursquare Gospel	28,000		70,000		
Fundamentalist	27,000		61,000		
Salvation Army	27,000		25,000		
Independent Christian Church	25,000		71,000		
TOTAL Christian	155,221,000	86.2	159,030,000	76.5	
	1990		2001		
Other Religion Groups	Number	%	Number	%	
Jewish	3,137,000		2,831,000	1.3	
Muslim/Islamic	527,000		1,104,000	0.5	
Buddhist	401,000		1,082,000	0.5	
Unitarian/ Universalist	502,000		629,000	0.3	
Hindu	227,000		766,000	0.4	
Native American	47,000		103,000		
Scientologist	45,000		55,000		
Baha'I	28,000		84,000		
Taoist	23,000		40,000		
New Age	20,000		68,000		
Eckankar	18,000		26,000		
Rastafarian	14,000		11,000		

15a

Sikh	13,000		57,000		
Wiccan	8,000		134,000		
Deity	6,000		49,000		
Druid			33,000		
Santeria			22,000		
Pagan			140,000		
Spiritualist			116,000		
Ethical Culture			4,000		
Other unclassified	837,000		386,000		
TOTAL Other Religions	5,853,000	3.3	7,740,000	3.7	

16a

No Religion Groups	1990 Number	%	2001 Number	%
Atheist			902,000	0.4
Agnostic	1,186,000		991,000	0.5
Humanist	29,000		49,000	0
Secular			53,000	0
No Religion	13,116,000		27,486,000	13.2
TOTAL No Religion Specified	14,331,000	8.2	29,481,000	14.1

Refused	4,031,000	2.3	11,246,000	5.4

17a

NOTE: All figures in Exhibit 1 are rounded.

As is evident from Exhibit 1, with respect to religious self-identification, approximately ninety percent of America's adults are clustered in twenty-two groups. Therefore, the remainder of the analysis in this report focuses on the distribution of adults across these twenty-two groups

2. Religious Institutional Membership in Selected Major Religious Groups

Closely akin to religions group identification in the minds of most people is membership in or affiliation with a place of worship. Indeed, in his classic definition of religion, the nineteenth century sociologist Emile Durkheim characterized religions as systems of belief that unite a group of adherents into common modes of worship, which in turn are organize adherents into churches (or synagogues, temples, mosques or whatever else a group may chose to call the place in which a group of kindred spirits come together to celebrate, worship and recognize the commonality of their beliefs) [note 7].

More than half (54%) of the adult population in America reside in a household where either they themselves or someone else belongs to a church, or temple, synagogue or mosque or some other type of place of worship. To be sure, the significance of membership (its importance, its criteria, and even its definition) varies greatly from one denomination or faith to another. This study is not in position to evaluate the meaning or importance of religious institutional membership for particular groups.

On the other hand, given that about eighty percent of adults identify with some religious group, there appears to be a considerable gap between "identification" with a religion and reported "membership" or "belonging" to a an institutional embodiment of that faith community. That difference between religious identification and belonging could well contain the seeds of a potent cultural shift in which religion means something quite different to those who adhere to one from those who see themselves as the institutional custodians of one.

More than thirty years ago, the sociologist Thomas Luckmann anticipated the emergence of an increasingly de-institutionalized form of religious identification in an incisive analysis of modern religious life, The Invisible Religion. In that work he concluded: "The modern sacred cosmos legitimates the retreat of the individual into the 'private sphere' and sanctifies his (or her) subjective autonomy." [note 8]

Luckmann's analysis notwithstanding, aggregated survey data from the General Social Survey 1972-1994 showed a persistence of church membership among a somewhat larger percentage of U.S. adults than found in the current study. Among a nationally representative sample of 1,481 American adults surveyed in by GSS between the early 1970s and the early 1990s, 61% had indicated membership in a church.

The decade of the nineties appears to have been a period in which religious institutional membership slid, underscoring what Luckmann described as the rise of "invisible religion."

Exhibit 2 below describes the varied pattern of religious institutional membership among the twenty-two largest religious groups - including "no religion," which is the choice made by a very large number. Except where otherwise noted, we have limited our analyses to these twenty-two groups, which encompass nearly 190 million adults or nearly 92% of the adult population.

EXHIBIT 2

Reported Household Membership in Church, Temple, Synagogue, or Mosque for Selected Religious Groups (Weighed Estimate)

Name of Group	Percent Members
Catholic	59
Baptist	69
NO RELIGION	16
Christian	60
Methodist	66
Lutheran	68
Presbyterian	64
Protestant	45
Pentecostal	68
Episcopalian/Angelican	64
Jewish*	53
Mormon/LDS	75
Church of Christ	71
Non-denominational	55
Congregational/UCC	69
Jehovah's Witnesses	55
Assemblies of God	78
Muslim/Islamic	62
Buddhist	28
Evangelical/Born Again	83
Church of God	68
Seventh Day Adventist	70
US Total	54

*NOTE this only refers to Jews by religion

As Exhibit 2 illustrates, there are notable differences between various religious groups with respect to the relationship between identification and affiliation. For example, 68% of those identifying themselves as Lutheran report church membership, while only 45% of those who describe themselves as Protestant (without a specific denominational identification) report church membership. Nearly 68% of those identifying with the Assemblies of God report church membership. Church membership is reported by 59% of Catholic adults. About 53% of adults who identify their religion as Jewish or Judaism report temple or synagogue membership. Among those calling themselves Muslim or Islamic, 62% report membership in a mosque.

Perhaps, it will come as no surprise to religious leaders, but nearly 20% of adults who describe themselves as atheist or agnostic also report that either they themselves or someone else in their household is a member of a church, temple, synagogue, mosque or some other religious institution. On the other hand, nearly 40% of respondents who identified with a religion indicated that neither they themselves nor anyone else in their household belongs to a church or some other similar institution. It is this group in particular that best exemplifies the notion of "invisible religion" first proposed by Luckmann.

The obvious difference between the percentage of the total adult population that identifies with one or another religion and the percentage that report living in a household where either they themselves or someone else is a member of an organized religious body draws attention to the difference between

identification as a state of heart and mind and affiliation as a social condition.

The difference in the proportions between identification and affiliation in each group draws attention to the possible differences in the value and meaning attached to affiliation within various religious movements. For example, it is instructive to note that among adults identifying themselves as Buddhist, just 28% report affiliation with a temple. Among adults identifying themselves with "native American religion," affiliation with a church or temple or some other religious institution is just 16%.

Differences between the percentages of identification and affiliation also draw attention to differences in meaning associated with religion itself. For some, religious identification may well be a social marker as much as a marker designating a specific set of beliefs. For others, it may be a reflection of a community or family anchor point to one's sense of self. For other still, it may simply be the "gut response" evoked by the question, "What is your religion, if any?" without any wider emotional, social or philosophical ramifications.

This survey made no attempt to define for people what the meaning of any religious identification might be. Rather, it sought to detect what those identifications might mean for those who claim them. The survey went beyond the simple questions of self-labeling and institutional membership to inquire about a number of key questions such as general outlook (weltanschauung) and beliefs with respect to God.

3. Religious or Secular Outlook Among American Adults

Apart from identification with one or another of a wide range of religions, ARIS 2001 sought to determine whether and to what extent American adults consider their outlook on life to be essentially religious or secular.

Detecting people's worldview or outlook with respect to religion is potentially very challenging. Some would argue that it cannot be done at all with the tools of survey research. Yet, much can be gained by asking rather simple questions of a broad and representative spectrum of people. While not much will be learned about any one individual or even a single group, great insights can be gleaned about the mindscape of diversity in the American population as a whole.

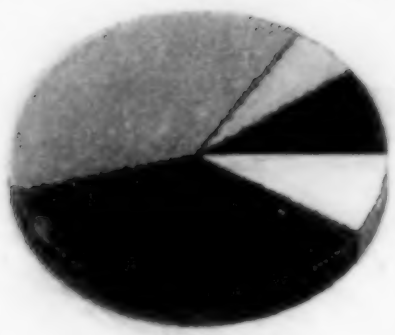
To that end, this survey asked respondents the following: "When it comes to your outlook, do you regard yours as Š (1) Secular, (2) Somewhat Secular, (3) Somewhat Religious or (4) Religious?" Respondents were also permitted to indicate they were unsure or a little of both.

Ninety-three percent of survey respondents were able to reply to this question without much difficulty. In all, sixteen percent (16%) described their outlook as secular or somewhat secular, while seventy-five percent (75%) described their outlook as religious or somewhat religious. Just one percent said they were "a little of both" and two percent said they were unsure. Five percent declined to answer the question.

The question yielded the distribution shown below in Exhibit 3, which indicates that at least ten percent of the population clearly and unambiguously considers itself "secular" rather than "religious." Another six percent regard themselves as "somewhat secular."

EXHIBIT 3
Outlook of U.S. Adult Population: Religious or Secular

"When it comes to your outlook, do you regard yourself as..."



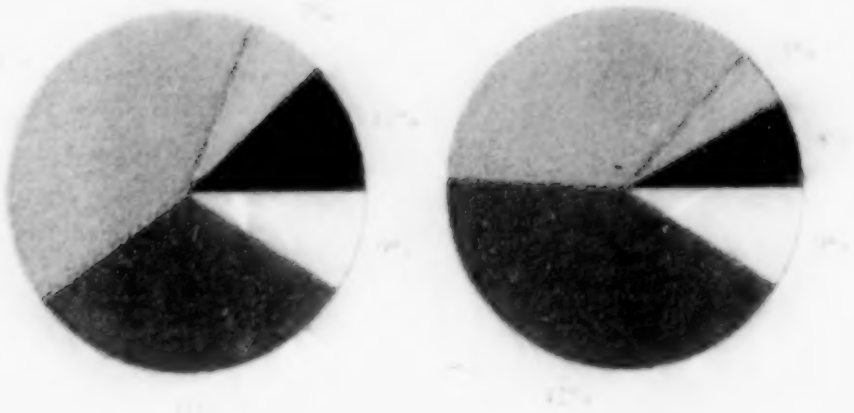
American Religious Identification Survey, 2001. N=208 million

Our interviews on the question of outlook, as our questions on other matters of belief, generated a fair amount of ambivalence, which is reflected in the high proportion of respondents who fall into the category of "somewhat," that is "somewhat secular" and "somewhat religious." Certainty apparently is the possession of only a minority - though, to be sure, a larger minority among the religious than among the secular.

More interesting still are some of the demographic characteristics of the adult population, which seem to be associated with the disposition to be more or less secular, or more or less religious in one's outlook. Exhibits 4, 5 and 6 provide a glimpse at some of those associations.

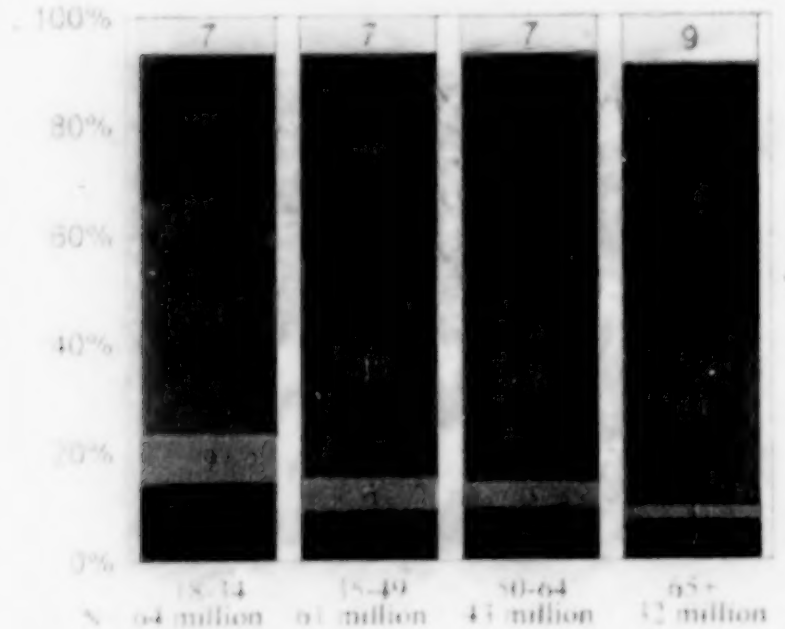
- Women are more likely than men to describe their outlook as "religious."
- Older Americans are more likely than younger to describe their outlook as "religious."
- Black Americans are least likely to describe themselves as secular, Asian Americans are most likely to do so.

EXHIBIT 4
Outlook of U.S. Adult Men & Women: Religious or Secular



"When it comes to your outlook, do you regard yourself as..."

EXHIBIT 5
Outlook of Older & Younger U.S. Adults: Religious or Secular

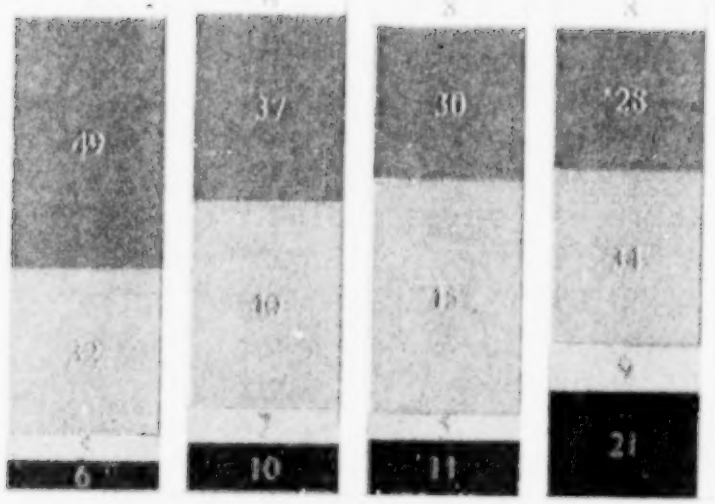


"When it comes to your outlook, do you regard yourself as..."

Secular
Somewhat secular
Somewhat religious
Religious
Don't Know, Refused

BEST AVAILABLE COPY

EXHIBIT 6
Outlook of Selected Groups of U.S. Adults:
Religious or Secular



4. Religious Switching Among Selected Religious Groups

More than thirty-three million American adults, about 16% of the total U.S. adult population report that they have changed their religious preference or identification. Perhaps, this phenomenon of "religion switching" is a reflection of a deeper cultural phenomenon in contemporary America. In the early 1990s, the sociologist Wade Clark Roof described the increasingly middle-aged baby boomers as a "generation of seekers." [note 9] However, the 1990s were also a period of great immigration and great economic boom. Therefore, the religious life of the nation has been influenced by social forces that are wider and more varied than simply the aging of the 'boomers.'

As will be seen in the Exhibit below, switching has involved not only the shift of people's spiritual loyalties from one religion to another -- which could reflect some kind of spiritual seeking -- but also, and perhaps more importantly, a dropping out of religion altogether. To be sure, there is no indication in the current data whether the "religious switching" actually occurred in the 1990s or earlier. Surely, for our older respondents the switching very likely had occurred earlier.

Exhibit 7 below describes the patterns of "religion switching" among the twenty-two largest aggregates. As was indicated earlier, taken together these groups constitute about ninety percent of the entire adult population residing in the U.S. currently.

EXHIBIT 7

Number of Adults by Current and Prior Religious Identification, 2001
(Weighed Estimate)

Name of Group	Current Number	Switched In	% Switched In	Prior Religion	Switched Out	% Switched Out	Net Gain (Loss)
Catholic	50,873,000	4,282,909	8%	56,084,003	9,493,912	17%	-9%
Baptist	33,830,000	4,401,587	13%	34,048,066	4,619,653	14%	-1%
NO RELIGION	29,481,000	6,622,494	23%	23,976,587	1,118,081	5%	23%
Christian	14,190,000	2,873,155	20%	12,803,459	1,486,614	12%	11%
Methodist	14,140,000	2,631,703	19%	15,284,374	3,776,077	25%	-7%
Luthern	9,580,000	1,755,644	18%	9,682,231	1,857,875	19%	-1%
Presbyterian	5,596,000	1,316,068	24%	5,712,050	1,432,118	25%	-2%
Protestant	4,647,000	316,587	7%	5,418,822	1,088,409	20%	-14%
Pentecostal	4,407,000	1,340,583	30%	3,796,957	730,540	19%	16%
Episcopalian/ Anglican	3,451,000	889,908	26%	3,296,468	745,376	23%	5%
Jewish*	2,831,000	171,447	6%	2,950,943	291,390	10%	-4%
Mormon	2,787,000	441,317	16%	2,791,683	446,000	16%	0%
Churches of Christ	2,503,000	292,129	12%	2,556,519	345,648	14%	-2%
Non-denominational	2,489,000	721,683	29%	1,810,865	43,548	2%	37%
Congregational/ UCC	1,378,000	183,916	13%	1,463,860	269,776	18%	-6%
Jehovah's Witness	1,331,000	517,540	39%	1,194,443	380,983	32%	11%
Assemblies of God	1,105,000	221,398	20%	1,028,116	144,514	14%	7%
Muslim/Islamic	1,104,000	182,859	17%	1,019,474	98,333	10%	8%
Buddhist	1,082,000	340,523	33%	962,512	221,035	23%	12%
Evangelical/ Born Again	1,1032,000	384,339	37%	725,710	78,049	11%	42%
Church of God	944,000	241,296	26%	898,437	195,733	22%	3%
Seventh Day Adventist	724,000	247,780	34%	653,855	177,635	27%	11%

*NOTE Only Jews by religion are included in the analysis

The top three "gainers" in America's vast religious market place appear to be Evangelical Christians, those describing themselves as Non-Denominational Christians and those who profess no religion. Looking at patterns of religious change from this perspective, the evidence points as much to the rejection of faith as to the seeking of faith among American adults. Indeed, among those who previously had no religion, just 5% report current identification with one or another of the major religions.

Some groups such as Mormons and Jehovah's Witnesses appear to attract a large number of converts ("in-switchers"), but also nearly as large a number of apostates ("out-switchers"). It is also interesting to note that Buddhists also fall into this category of what one might call high-turnover religious groups.

5. Marital Status Among Selected Religious Groups

In most people's minds there is a close association between religious belonging and family values, though to be sure that latter concept is often quite vague as to its meaning. For both demographic and sociological reasons, the present study also focused on household structure, marital status and the religious composition of households.

As context for a discussion of the marital status patterns of different religious groups, it should be noted that the U.S. Census reports the following distribution for the marital status of Americans aged fifteen or older.

US CENSUS FACT BOX I

Married	115,580,691	54%
Single, never married	58,049,225	27%
Separated	4,795,275	2%
Divorced	21,365,741	10%
Widowed	13,887,524	7%
TOTAL	213,678,456	100%

Source: USCensus QT-02 Profile of Selected Social Characteristics: 2000 (American Fact Finder)

Because ARIS 2001 has defined its survey population as "adults 18 or over" its distribution varies slightly from that of the US Census, which recorded marital status information for all people aged fifteen or older. In addition, as the fact box below shows, ARIS also included an additional category for "single, living with partner." It also recorded those who refused to supply marital status information.

ARIS 2001 FACT BOX 2 (Weighted Estimate)

Married	122,053,785	59%
Single, never married	40,914,395	20%
Single, living with partner	11,101,951	5%
Separated	3,431,149	2%
Divorced	15,005,207	7%
Widowed	12,502,674	6%
Refused info	2,959,032	1%
TOTAL	207,968,192	100%

Exhibit 8 below draws attention to the variations among the different religious groups with regard to household structure.

EXHIBIT 8
Martial Status by Selected Religious Group, 2001
(Weighted Estimate)

Name of Group	Number of Adults	Percent Single	Percent Single/Co-Habitating	Percent Married	Percent Divorced/ Separated	Percent Widowed
Catholic	50,873,000	20	5	60	9	6
Baptist	33,830,000	17	5	58	12	8
No RELIGION	29,481,000	33	22	19	9	6
Christian	14,190,000	26	6	56	9	3
Methodist	14,140,000	12	3	64	9	12
Lutheran	9,580,000	12	4	68	7	9
Presbyterian	5,596,000	12	3	64	9	12
Protestant	4,647,000	11	3	66	9	10
Pentecostal	4,407,000	18	4	58	14	6
Episcopalian/ Anglican	3,451,000	12	6	59	12	11
Jewish*	2,831,000	18	5	60	7	11
Mormon	2,787,000	16	2	68	8	6
Churches of						

Christ	2,503,000	12	3	63	9	13	
Non-denominational	2,489,000	22	19	27	9	7	
Congregational/ UCC	1,378,000	12	3	62	8	14	
Jehovah's Witnesses	1,331,000	27	3	57	6	8	
Assemblies of God	1,105,000	9	3	73	10	5	
Muslim/Islamic	1,104,000	37	6	49	7	1	
Buddhist	1,082,000	47	7	35	8	3	
Evangelical/ Born Again	1,032,000	13	4	74	7	3	
Church of God	944,000	11	3	60	7	19	
Seventh Day Adventist	724,000	17	5	61	11	5	
TOTAL US ADULTS	208,000,000	20	5	59	9	6	

*NOTE: Only Jews by religion were tabulated

** NOTE: Some rows do not sum to 100% as "Refusals" were excluded

The data in Exhibit 8 underscore the accuracy of conventional wisdom in the main: those who identify with one or another of the main religious groups are considerably more likely to be married than those who have no religion. Particularly the "no religion" group was far more likely to be either single, never married or single, living with a partner than any other group. Indeed, the "no religion" group shows the lowest incidence of marriage (just 19%) of all twenty-two groups. In sharp contrast, those identifying with the Assemblies of God or Evangelical/Born Again Christians show the highest proportions married, 73% and 74% respectively.

The percent currently divorced or separated varies considerably less, from a low of six percent (Jehovah's Witnesses) to a high of fourteen percent (Pentecostals).

In Exhibit 9 the study looks at the patterns of divorce and separation between 1990-2001 across the twenty-two religious self-identification groups. While this comparison offers no dramatic changes over the past eleven years, it does underscore the constancy of most of the patterns.

EXHIBIT 9

Percentage Divorced or Separated by Selected Religious Group, 1990-2001

(Weighted Data)

	1990		2001	
Name of Group	Total Number of Adults	Percent Divorced/Separated	Total number of Adults	Percent Divorced/Separated
Catholic	46,000,000	8	50,873,000	9
Baptist	33,964,000	11	33,830,000	12
NO RELIGION	14,331,000	11	29,481,000	9
Christian	8,100,000	10	14,190,000	9
Methodist	14,174,000	8	14,140,000	9
Lutheran	9,110,000	8	9,580,000	7
Presbyterian	5,000,000	8	5,596,000	9
Protestant	17,214,000	11	4,647,000	9
Pentecostal	3,116,000	10	4,407,000	14
Episcopalian/ Anglican	3,000,000	9	3,451,000	12
Jewish*	3,137,000	10	2,831,000	7
Mormon	2,487,000	6	2,697,000	8

Churches of Christ	1,800,000	17	2,593,000	9
Non-denominational	195,000	8	2,489,000	9
Congregational/ UCC	599,000	11	1,378,000	8
Jehovah's Witnesses	1,400,000	9	1,331,000	6
Assemblies of God	617,000	10	1,105,000	10
Muslim/Islamic	527,000	11	1,104,000	7
Buddhist	401,000	10	1,082,332	8
Evangelical/ Born Again	242,000		1,032,000	7
Church of God	531,000	12	944,000	7
Seventh Day Adventist	668,000		724,072	11
TOTAL US ADULTS	175,000,000	9	208,000,000	9

*NOTE: Only Jews by religion were tabulated

6. Mixed Religion Families Among Selected Religious Groups

Much as normative marriage patterns serve as a sociological buttress to traditional religious identification and belonging, they may also mask underlying change. As we noted earlier, ARIS2001 shows substantial shifts toward secularism among a large number of American adults.

Therefore in this section of the report we look at the incidence of marriage across religious lines. We should add that ARIS2001 is the first national survey that has looked at the religious composition of marriage and domestic partners in large enough numbers to be able to make generalizations among different groups. Because of the size of our sample and the nature of our questions, this survey has generated a wealth of data that will require much further mining with regard to issues pertaining to interfaith households.

ARIS2001 found that of all households that contained either a married or domestic partner couple, 22% reported a mixture of religious identification amongst the couple. At the low end there are the Mormon adults who are found in mixed religion families at 12% and such other groups as Baptists, those adhering to the Churches of Christ, Assemblies of God, the Evangelicals and those adhering to the Church of God (all at about 18%). At the high end we find the Episcopalians at 42% and Buddhists at 39% living in mixed religion families. In all, about 28 million American married or otherwise "coupled" adults live in a mixed religion household.

EXHIBIT 10
Percentage of Adults in Mixed Religion Families for Selected Religious Groups, 2001
(Weighted Estimate)

Respondent's Religious Group	Mixed Households
Catholic	23
Baptist	18
NO RELIGION	28
Christian	21
Methodist	24
Lutheran	28
Presbyterian	27
Protestant	33
Pentecostal	24
Episcopalian/Anglican	42
Jewish*	27
Mormon	12
Churches of Christ	18
Non-denominational	32
Congregational/UCC	24
Jehovah's Witnesses	30
Assemblies of God	18
Muslim/Islamic	21
Buddhist	39
Evangelical/ Born Again	18
Church of God	18
Seventh Day Adventist	24
Percent in Mixed Households	22**
Total Adults in Mixed Religion Couples	28,400,000

*NOTE: Category refers only to Jews by religion

**NOTE: Base includes adults married or living with a partner; where the religious self-identification reported by respondent did not match that reported by spouse/partner

7. Age and Gender Patterns Among Selected Religious Groups

It is difficult to overestimate the importance of age and sex either in the life of the individual or in the life of any group. Personal outlook is often deeply influenced by these two rather obvious personal attributes. The future of a group is also often shaped by the relative distribution of the old and the young and the relative proportions of males and females. Therefore Exhibits 11 and 12 explore these demographic patterns in the current survey, and for comparison purposes in NSRI 1990.

EXHIBIT 11
Age and Gender Patterns in Selected Groups, 2001
(Weighted Data)

Name of Group	Number of Adults	Percent 18-29	Percent 65+	Percent Female
Catholic	50,873,000	24	14	53
Baptist	33,830,000	21	16	54
NO RELIGION	29,481,000	35	8	41
Christian	14,190,000	35	7	48
Methodist	14,140,000	12	27	57
Lutheran	9,580,000	15	22	52
Presbyterian	5,596,000	10	29	55
Protestant	4,467,000	13	30	50
Pentecostal	4,407,000	24	9	59
Episcopalian/ Anglican	3,451,000	10	28	59
Jewish*	2,831,000	14	28	51
Mormon	2,787,000	29	15	54
Churches of Christ	2,503,000	17	25	55
Non-denominational	2,489,000	23	12	53

Congregational/ UCC	1,378,000	11	35	49
Jehovah's Witnesses	1,331,000	24	10	71
Assemblies of God	1,105,000	21	10	51
Muslim/Islamic	1,104,000	58		38
Buddhist	1,082,332	56	3	39
Evangelical/ Born Again	1,032,000	19	9	57
Church of God	944,000	16	19	64
Seventh Day Adventist	724,072	10	26	38
TOTAL US ADULTS	208,000,000	23	16	52

* NOTE: Only Jews by religion are tabulated

EXHIBIT 12

Age and Gender Patterns in Selected Religious Groups, 1990

(Weighted Data)

Name of Group	Number of Adults	Percent 18-29	Percent 65+	Percent Female
Catholic	46,000,000	32	13	54
Baptist	34,000,000	25	16	55
NO RELIGION	14,000,000	35	9	39
Christian	8,000,000	36	11	54
Methodist	14,000,000	18	23	55
Lutheran	9,000,000	22	20	54
Presbyterian	5,000,000	16	25	53
Protestant	17,000,000	15	21	51
Pentecostal	3,100,000	29	11	58
Episcopalian/Anglican	3,000,000	19	21	56
Jewish*	3,100,000	23	22	49
Mormon	2,500,000	27	13	54
Churches of Christ	1,800,000	15	23	55
Non-denominational	200,000	28	14	60
Congregational/UCC	400,000	8	30	54

Jehovah's Witnesses	1,400,000	29	11	60
Assemblies of God	600,000	16	18	58
Muslim/Islamic	500,000	53	1	34
Buddhist	400,000	35	8	35
Evangelical/ Born Again	500,000	18	19	58
Church of God	400,000	17	21	56
Seventh Day Adventist	700,000	25	23	59
TOTAL US ADULTS	175,000,000	26	16	53

Source: NSKI 1990

* NOTE: Only Jews by religion are tabulated

As in 1990 so too in the current study, the Buddhist and Muslim population appears to have the highest proportion of young adults under age thirty, and the lowest percentage of females. A number of the major Christian groups have aged since 1990, most notably the Catholics, Methodists, and Lutherans. Congregationalist/United Church of Christ and Presbyterian adherents show an older age structure with three times as many over age 65 as under age 35. Baptists also have fewer young adults than they had in 1990. Among Jews the ratio of the over-65 to those under-thirty has shifted from nearly even in 1990 to about 2:1 in the current study. It should be noted, again, that this survey has focused only upon adult adherents. The observations about age structure do not include the children who may be present in the household of adult adherents.

8. Race and Ethnicity Among Selected Religious Groups

Although the ideals faith are supposed unite people across the great chasms carved by race and ethnicity, social scientists have long noted the in a manner of speaking "Sunday morning service is the most segregated hour in America." ARIS2001 addressed the interplay between faith, ethnicity and race by inquiring into each component of those who were surveyed.

EXHIBIT 13

RACE AND/OR ETHNIC MAKE-UP OF SELECTED RELIGIOUS GROUPS, 2001

(Weighted Estimate)

Name of Group	Number of Adults	Non-Hispanic Percent White	Non-Hispanic Percent Black	Non-Hispanic Percent Asian	Percent Hispanic	Non-Hispanic Percent Other	TOTAL
Catholic	50,873,000	64	3	3	29	2	100
Baptist	33,830,000	64	29	1	3	2	100
NO RELIGION	29,481,000	73	8	5	11	4	100
Christian	14,190,000	67	12	3	14	3	100
Methodist	14,140,000	86	11	1	1	1	100
Lutheran	9,580,000	96	1	0	1	1	100
Presbyterian	5,596,000	91	3	2	3	1	100
Protestant	4,647,000	87	4	0	6	3	100
Pentecostal	4,407,000	58	22	0	17	3	100
Episcopalian/ Anglican	3,451,000	89	9	1	0	1	100
Jewish*	2,831,000	92	1	1	5	1	100
Mormon	2,787,000	91	0	0	8	1	100

Churches of Christ	2,503,000	89	6	1	2	2	100
Non-denominational	2,489,000	73	11	1	13	2	100
Congregational/ UCC	1,378,000	93	0	0	5	2	100
Jehovah's Witnesses	1,331,000	46	37	0	14	3	100
Assemblies of God	1,105,000	80	5	5	8	2	100
Muslim/Islamic	1,104,000	15	27	34	10	14	100
Buddhist	1,082,000	32	4	61	2	1	100
Evangelical/ Born Again	1,032,000	77	3	0	20	0	100
Church of God	944,000	84	12	0	4	0	100
Seventh Day Adventist	724,000	67	26	0	7	0	100
TOTAL US ADULTS	208,000,000	70	10	3	12	5	100

*NOTE: This category refers only to Jews by religion.

Exhibit 13 describes the make-up of each of the twenty-two major religious groups in terms of proportion non-Hispanic White, non-Hispanic Black, Asian or Hispanic or something else. It should be noted that these characterizations were provided by respondents as answers to fairly straight forward objective questions.

- "Would you consider yourself to be White, Black, or of some other race?"
- "Are you of Hispanic origin or background?"

9. Political Party Preference Among Selected Religious Groups

Given the current debates over a wide variety of public policy issues in which religious convictions and principles are thought to be of some consequence, this study sought to determine with generally broad brushstrokes to what extent religious groups might differ with respect to the political party preferences of their adherents. Exhibit 14 below describes that pattern.

EXHIBIT 14
Political Party Preference by Selected Religious Groups, 2001
(Weighted Estimate)

Name of Group	Number of Adults	Percent Republican	Percent Democrat	Percent Independent	Other/ None	Total
Catholic	50,873,000	28	36	30	4	100
Baptist	33,830,000	33	39	22	6	100
NO RELIGION	29,481,000	17	30	43	10	100
Christian	14,190,000	34	28	31	7	100
Methodist	14,140,000	36	32	27	5	100
Lutheran	9,580,000	39	26	31	4	100
Presbyterian	5,596,000	46	25	26	3	100
Protestant	4,647,000	37	22	32	9	100
Pentecostal	4,407,000	32	34	27	1	100
Episcopalian/ Anglican	3,451,000	35	35	26	4	100
Jewish*	2,831,000	13	56	26	5	100
Mormon	2,787,000	55	14	26	5	100

Churches of Christ	2,503,000	41	27	26	6	100
Non-denominational	2,489,000	46	16	30	8	100
Congregational/ UCC	1,378,000	34	28	33	5	100
Jehovah's Witnesses	1,331,000	2	10	34	54	100
Assemblies of God	1,105,000	59	16	19	6	100
Muslim/Islamic	1,104,000	19	35	39	7	100
Buddhist	1,082,000	9	31	48	12	100
Evangelical/ Born Again	1,032,000	58	12	20	10	100
Church of God	944,000	38	28	25	9	100
Seventh Day Adventist	724,000	38	28	31	13	100
TOTAL US ADULTS	208,000,000	31	31	30	8	100

*NOTE: This category refers only to Jews by religion

To be sure, political party preferences probably fluctuate more than do religious preferences. It is especially difficult to determine from survey data the extent to which political party preferences are influenced by the heat of the most recent elections. Those caveats aside, the data in Exhibit 14 point to some important continuities as well as shifts.

Jews, Muslims, Buddhists and those with no religion continue to have a greater preference for the Democratic party over the Republican - much as they did in 1990. Evangelical or Born Again Christians and Mormons are the most apt to identify as Republicans. Buddhists and those with no religion are most likely to be political independents. In keeping with their theology, Jehovah's Witnesses disavow political involvement.

10. State and Faith

The final section of this report pays due recognition to the fact that America is also the United States - a name which often masks as much diversity as it portrays unity. With respect to religion in particular, states differ considerably in the religious make-up of their populace. That diversity is likely to contribute as much as any other source of social variation to differences in their cultural and political climate.

EXHIBIT 15
State by State Distribution of Selected Religious Groups
(Weighted Estimate)

	STATE 1	2	3	4	5
RELIGION	AL	AR	AZ	CA	CO
Catholic	13	7	29	32	23
Baptist	37	37	8	7	8
No Religion	6	13	17	19	21
Christian	6	5	10	11	9
Methodist	9	9	5	2	5
Lutheran	2	1	4	2	5
Presbyterian	3	2	2	3	3
Protestant	1	1	2	2	2
Pentecostal	2	6	1	1	2
Episcopalian/ Anglican	2		1	1	3
Jewish*	1		1	2	1
Mormon/LDS	1		6	1	2
Church of Christ	2	6	1	1	2
NonDenominatl	1	2	1	2	1
Congregt/UCC	1				
Jehovah's Witn	1	1		1	1
Assmb of God		3			
Muslim/Islamic					
Buddhist				2	1
Evangelican			1		1
Church of God	2	1			
Seventh Day Ad	1			1	1
Other	3	2	5	4	3
Refused	6	4	5	6	6
TOTAL	100	100	99	100	100

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected Religious Groups
(Weighted Estimate)

	STATE 6	7	8	9	10
RELIGION	CT	DC	DE	FL	GA
Catholic	32	27	9	26	8
Baptist	10	19	19	18	37
No Religion	12	13	17	12	12
Christian	7	6	3	5	7
Methodist	4	1	20	6	11
Lutheran	4	5	4	3	2
Presbyterian	1	1	3	4	3
Protestant	4	1		2	1
Pentecostal	1	8	3	3	3
Episcopalian/ Anglican	6	2	2	3	2
Jewish*	1	1	1	3	
Mormon/LDS	2				1
Church of Christ	1		1	1	1
NonDenominatl	1			1	1
Congregt/UCC	2				
Jehovah's Witn		1		1	1
Assmb of God	1				
Muslim/Islamic	1	2	2		1
Buddhist		4		1	1
Evangelican				1	
Church of God				1	1
Seventh Day Ad		1	2		
Other	4	4	5	3	3
Refused	6	3	9	6	4
TOTAL	100	99	100	100	100

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected
Religious Groups
(Weighted Estimate)

	STATE				
	11	12	13	14	15
RELIGION	IA	ID	IL	IN	KS
Catholic	23	15	29	20	20
Baptist	5	9	11	14	13
No Religion	13	19	15	16	15
Christian	5	9	7	10	9
Methodist	13	9	6	9	13
Lutheran	16	3	7	6	4
Presbyterian	3	3	3	2	3
Protestant	2	2	2	4	2
Pentecostal	2	1	2	3	1
Episcopalian/ Anglican		1	2	1	1
Jewish*			1	1	1
Mormon/LDS		14			1
Church of Christ	1	1	1	2	3
NonDenominatl	1	1	2	1	1
Congregt/UCC	2	1	1	1	
Jehovah's Witn		1		1	1
Assmb of God	1				1
Muslim/Islamic			1		
Buddhist			1		
Evangelican	1	2	2	1	
Church of God				1	
Seventh Day Ad		1			
Other	6	2	3	4	6
Refused	5	6	4	3	5
TOTAL	99	100	100	100	100

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected
Religious Groups
(Weighted Estimate)

	STATE				
	16	17	18	19	20
RELIGION	KY	LA	MA	MD	ME
Catholic	14	28	44	22	24
Baptist	33	35	4	17	15
No Religion	13	9	16	13	16
Christian	8	4	3	6	8
Methodist	5	4	2	10	9
Lutheran	2	1	1	5	3
Presbyterian	1	1	1	2	1
Protestant	1		4	1	7
Pentecostal	4	2	2	1	6
Episcopalian/ Anglican	1	1	3	3	1
Jewish*			2	3	1
Mormon/LDS				3	
Church of Christ	3		1	1	3
NonDenominatl	1	2		1	2
Congregt/UCC			3	1	1
Jehovah's Witn	1		1		2
Assmb of God	1	1		2	
Muslim/Islamic					
Buddhist			1	1	
Evangelican					
Church of God	1				1
Seventh Day Ad		1			1
Other	5	3	5	2	2
Refused	6	6	7	5	4
TOTAL	100	98	100	100	100

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected Religious Groups
(Weighted Estimate)

	STATE				
	21	22	23	24	25
RELIGION	MI	MN	MO	MS	MT
Catholic	23	25	19	5	22
Baptist	14	5	22	55	5
No Religion	15	14	15	7	17
Christian	5	7	8	4	9
Methodist	9	4	7	9	7
Lutheran	4	24	4	1	14
Presbyterian	1	2	2	2	4
Protestant	3	1	2	1	1
Pentecostal	7	1	2	3	1
Episcopalian/ Anglican	2	1	4	1	1
Jewish*	1	1			
Mormon/LDS			1		3
Church of Christ	3		1	1	1
NonDenominatl	1	1	2		1
Congregt/UCC	2	1	1		1
Jehovah's Witn	1	1	1	1	
Assmb of God	1	2	1	1	2
Muslim/Islamic					
Buddhist	1				
Evangelican					
Church of God		2		2	
Seventh Day Ad	1				1
Other	4	2	2	2	3
Refused	4	6	6	5	7
TOTAL	99	99	100	100	100

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected Religious Groups
(Weighted Estimate)

	STATE				
	26	27	28	29	30
RELIGION	NC	ND	NE	NH	NJ
Catholic	10	30	27	35	37
Baptist	38	6	8	6	8
No Religion	10	3	9	17	15
Christian	6	2	4	5	4
Methodist	9	7	10	3	6
Lutheran	2	35	15	1	3
Presbyterian	3		4	1	4
Protestant	2	1	3	10	2
Pentecostal	2		1	1	1
Episcopalian/ Anglican	1		1	4	2
Jewish*	1			1	4
Mormon/LDS	1	1	1		1
Church of Christ			3		
NonDenominatl	2				1
Congregt/UCC	1		1	6	
Jehovah's Witn		1			1
Assmb of God	1	3	1		
Muslim/Islamic		2			1
Buddhist		1			
Evangelican			2		
Church of God	1				
Seventh Day Ad	1				
Other	4	1	2	2	4
Refused	5	6	7	7	5
TOTAL	100	99	99	99	99

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected Religious Groups
(Weighted Estimate)

	STATE				
	31	32	33	34	35
RELIGION	NM	NV	NY	OH	OK
Catholic	40	24	38	19	7
Baptist	10	15	7	14	30
No Religion	18	20	13	15	14
Christian	5	9	4	6	9
Methodist	2	5	6	10	11
Lutheran	2	3	2	5	2
Presbyterian	4	1	2	4	3
Protestant	1	4	2	4	1
Pentecostal	3	1	2	4	4
Episcopalian/ Anglican	1	1	2	1	1
Jewish*		2	5		
Mormon/LDS	3	9		1	
Church of Christ	2	1		2	4
NonDenominatl	2	1	1	1	2
Congregt/UCC				1	
Jehovah's Witn					
Assmb of God			1		3
Muslim/Islamic			2	1	
Buddhist			1		
Evangelican			1	1	1
Church of God				1	
Seventh Day Ad					
Other	3	2	4	5	3
Refused	3	2	6	5	5
TOTAL	99	100	99	100	100

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected Religious Groups
(Weighted Estimate)

	STATE				
	36	37	38	38	40
RELIGION	OR	PA	RI	SC	SD
Catholic	14	27	51	7	24
Baptist	5	9	6	43	4
No Religion	21	12	15	7	8
Christian	13	6	4	6	4
Methodist	4	9	1	14	13
Lutheran	5	8		2	27
Presbyterian	3	5	1	5	4
Protestant	2	4	1	1	3
Pentecostal	2	1	1	3	2
Episcopalian/ Anglican	2	1	8	2	1
Jewish*		1			
Mormon/LDS	4				
Church of Christ	2				
NonDenominatl	3	1		1	1
Congregt/UCC	1	2	1		2
Jehovah's Witn	1	1	2	1	
Assmb of God	1	1		1	
Muslim/Islamic					
Buddhist	1				
Evangelican	1	1			
Church of God	1				
Seventh Day Ad	1		1		1
Other	5	5	4	3	3
Refused	8	6	4	3	2
TOTAL	100	100	100	99	100

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected Religious Groups
(Weighted Estimate)

	STATE				
	41	42	43	44	45
RELIGION	TN	TX	UT	VA	VT
Catholic	6	28	6	14	38
Baptist	39	21	2	30	3
No Religion	9	11	17	12	22
Christian	7	7	2	7	4
Methodist	10	8	1	7	6
Lutheran	2	3	1	2	
Presbyterian	3	2	1	3	
Protestant	1	1	1	2	2
Pentecostal	2	3		2	
Episcopalian/ Anglican	1	1	3	3	4
Jewish*				1	
Mormon/LDS			57		
Church of Christ	6	2	0	1	
NonDenominatl	1	2		2	1
Congregt/UCC				1	6
Jehovah's Witn		1		1	
Assmb of God	1	1		1	1
Muslim/Islamic		1	1	1	
Buddhist					
Evangelican			1		1
Church of God	2	1			
Seventh Day Ad	1				1
Other	3	2	3	4	2
Refused	5	4	4	5	8
TOTAL	99	99	100	99	99

EXHIBIT 15 (Cont'd)
State by State Distribution of Selected Religious Groups
(Weighted Estimate)

	STATE				
	46	47	48	49	50
RELIGION	WA	WI	WV	WY	AK/HI
Catholic	20	28	8	18	@
Baptist	6	6	30	9	@
No Religion	25	14	13	20	@
Christian	11	5	7	9	@
Methodist	4	7	15	5	@
Lutheran	6	22	1	9	@
Presbyterian	3	2	3	4	@
Protestant	2	2	3	4	@
Pentecostal	2	1	3		@
Episcopalian/ Anglican	1	1	1	4	@
Jewish*	1			1	@
Mormon/LDS	3			7	@
Church of Christ			1	1	@
NonDenominatl	1	1	1	3	@
Congregt/UCC	1	2		1	@
Jehovah's Witn	1				@
Assmb of God	1				@
Muslim/Islamic					@
Buddhist	1				@
Evangelican		1			@
Church of God			2		@
Seventh Day Ad	1				@
Other	3	2	4	1	@
Refused	6	6	6	4	@
TOTAL	99	100	98	100	@

Columns total may not sum to 100 due to rounding
Empty cell = less than 0.5%

*Refers to Jewish by religion only
@ Alaska and Hawaii were not included in the survey for reasons of cost

Despite the growing diversity nationally, some religious groups clearly occupy a dominant demographic position in particular states. For instance, Catholics are the majority of the population in Massachusetts and Maine as are Mormons in Utah and Baptists in Mississippi. Catholics comprise over 40% of Vermont, New Mexico, New York and New Jersey, while Baptists are over 40% in a number of southern states such as South Carolina, Tennessee, North Carolina, Alabama and Georgia.

Historical traces of the Bible belt in the South and an irreligious West are still evident. Those with "no religion" constitute the largest group in Oregon, Washington, Idaho and Wyoming. In contrast, the percentage of adults who adhere to "no religion" is below 10 % in North and South Dakota, the Carolinas, Alabama, Mississippi and Tennessee.

Such religious concentrations might well have significant impact on host of public policy issues as well as on such matters as religious-based philanthropy.

It remains the challenge of further explorations of these and related data to discover the complex ways in which the religious identification patterns of the American populace shapes the culture and fate of the United States.

Notes:

1 Diana L. Eck, A New Religious America: How A "Christian Country" Has Become the World's Most Religious Diverse Nation (Harper San Francisco, 2001).
2 Harvey Cox, The Secular City (The Macmillan Co., 1965)

3 For an interesting comparison, see Andrew Greeley, "Religion in Britain, Ireland and the USA," in Roger Jowell et al, ed., British Social Attitudes: The 9th Report (Dartmouth Publishing Co., Aldershot, England, 1992).

4 For a more detailed discussion of the survey methodology, please see Appendix 1.

5 The growth in the "no religion" population appears to be reflecting a patterns that has also been noted widely in England.

6 Barry A. Kosmin & Seymour P. Lachman, One Nation Under God: Religion in Contemporary America (New York: Harmony Books, 1993)

7 Emile Durkheim, The Elementary Forms of Religious Life (New York: Free Press, 1955).

8 Thomas Luckmann, The Invisible Religion (New York: The Macmillan Co., 1967).

9 Wade Clark Roof, A Generation of Seekers: The Spiritual Journeys of the Baby Boom Generation (San Francisco: Harper, 1993)

APPENDIX

DEMOGRAPHICS

The respondent in this survey was a randomly chosen (based on last birthday) adult 18 years or older. In addition, the survey inquired about twenty other characteristics of persons and households, enabling us to develop a fairly nuanced demographic profile of each religious group. Those questions included the following:

For Respondent

1.Age
2.Marital status
3.Employment status
4.Level of education
5.Race/ Hispanic origin/Jewish origin
6.Political party affiliation
7.Sex
8.Head of household or not
9.Registered voter

For Household

10. Own or rent home
11. Total number living in household
12. Number & sex of adults 18+ 13. Number & sex of children 12-17
14. Number & sex of children 6-11
15.Number & sex of children (0-6)
16.Total household income
17.Number of telephones
18.Metro/rural status
19.State

20.U.S. region

POPULATION ESTIMATES

In order to accurately reflect a true statistical portrait of the United States the raw survey data are weighted by ICR Survey Research Group using the latest Census Bureau statistics, to reflect the known composition of U.S. households and the total population. The weighting that is incorporated into each record takes into account the disproportionate probabilities of household projection due to the number of separate telephone lines and the probability associated with the random selection of an individual household member. Following application of the above weights, the sample is post-stratified and balanced by key demographics such as age, sex, region and education. However, weighting cannot compensate for characteristics that are neither geographic nor demographic in nature. The most obvious is an inability to communicate in English. This means there may be a tendency to underestimate some of the smaller religious groups that contain a high proportion of recent immigrants. Nevertheless, the range of error will not be very large even in these cases. The sampling error in the survey is 0.5% for the overall sample of 50,000 and 1% for the sub-sample of 17,000.

Another way to express the power of the results is to look at confidence intervals within religious groups. At the 95% confidence level (i.e. that results will fall within the stated range in 95 samples out of 100 sample drawn from the population) the percentage of adult Catholics who are women is 54% +/- 0.5% -- namely between 53.5% - 54.5%.

QUESTIONS PERTAINING TO RELIGION, ETHNICITY, RELIGION IN THE FAMILY AND TECHNOLOGY

Religious Affiliation and switching

Three questions were introduced to assess the extent of religious switching among different segments of the American adult population.

1. Household membership of a church, temple synagogue or mosque.

2. Change of religious preference by respondent

3. Current and previous religious preference

Secularism

A series of questions were introduced to determine the nature and extent of basic religious faith among the adherents of various religious groups.

Questions:
1. A religious- secular outlook self-grading by the respondent

2. A battery of three agree/disagree questions on the Divine.

Inter-faith Families

ARIS 2000 constitutes the first national survey that has probed the extent to which American households

are divided by religion (i.e. spouses do not profess the same religious identification).

Questions:
1. Religion of both spouses recorded.

2. Year of marriage

3. Religion in which raising/will raise children

Hispanics

Given the significant growth in America's Hispanic population, ARIS 2001 is the first to probe on a survey basis the religious proclivities and affiliations of this large and growing minority.

Questions: (to be associated with religious items)
1. Country of birth (incl. Puerto Rico).

2. Year of entry to US if foreign-born.

Communications Technology

Finally, in light of the communications revolution of the past decade, ARIS 2001 probes the extent of utilization of the new media among different religious groups.

Questions:
1. Use of Cable/satellite/PPV.

2. Use of PC/Internet

3. Use of audio equipment

4. Use of VCR/ Laser discs

About the Authors of the Study

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Professor of Sociology at Brooklyn College and in the Ph.D. Program in Sociology and Director of the Center for Jewish Studies at the Graduate Center of the City University of New York, he is author of *From Suburb to Shtetl: The Jewish of Boro Park* (Temple University Press, 1979) and *Love and Tradition: Marriage Between Jews and Christians* (Plenum Publishing Co., 1985). For a full bio see www.egonmayer.com

Barry A. Kosmin, Ph.D

Director of the 1990 National Jewish population Survey and author of the *Highlights of the CJF 1990 National Jewish Population Survey* (1991), he is also co-author of *One Nation Under God: Religion in Contemporary American Society* (Harmony Books, 1993) and a former member of the faculty in the Ph.D. Program in Sociology at the Graduate Center of the City University of New York as well as former Director of Research at the Council of Jewish Federations.

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EXCERPTS FROM THE LEGISLATIVE HISTORY OF THE 1954 ENACTMENT

"Representative Louis C. Rabaut .. testified at the hearing before the subcommittee ... : 'By the addition of the phrase "under God" to the pledge, the consciousness of the American people will be more alerted to the true meaning of our country and its form of government. ... More importantly, the children of our land, in the daily recitation of the pledge in school, will be daily impressed with a true understanding of our way of life and its origins. ... Fortify our youth in their allegiance to the flag by their dedication to "one Nation, Under God."' ... the committee believes it most appropriate that the concept of God be included in the recitations of the pledge of allegiance to the flag." **H.J. Res. 243, 83rd Congress *2d Session* Report No. 1693 (May 28, 1954) (Report submitted by Mr. Jonas of Illinois, from the Committee on the Judiciary).**

"The significant import of our action today, however, is that we are officially recognizing once again this Nation's adherence to our belief in a divine spirit, and that henceforth millions of our citizens will be acknowledging this belief every time they pledge allegiance to our flag. ... It comes at a time when throughout our land and throughout the world some people ... see arrayed against this nation, and the way of life which it represents, a dictatorial policy that recognizes no God and no divinity in man. Under communism, men are mere cogs in a machine, without rights, without souls, ... the flag which flies over our land is a symbol of a nation and of a people under God." **100 Cong. Rec. 7757-8 (1954) (Oliver P. Bolton).**

" ... this legislation ... recognizes the importance of divine guidance in our national affairs." **100 Cong. Rec. 7989 (1954) (Rep. Oakman).**

"[W]e wish now, with no ambiguity or reservation, to place ourselves under the rule and care of God, ... this is a question which comes at a time in the world when we do well to once more publicly and officially affirm our faith." **100 Cong. Rec. 7764 (1954) (Mr. Wolverton).**

" ... what we are engaged in today is a sacred mission. One who truly does the work of God ... will concur with our action. ... This [is a] victory for God and country ... this happy day when the House of Representatives of the Congress of the United States, without a dissenting vote, declared this land of ours indeed a Nation under God." **100 Cong. Rec. 7762 (1954) (Mr. O'Hara of Illinois).**

"[T]he dedication of our Nation and our people to the Almighty ... [is] our country's true meaning. ... we are reaffirming the transcendence of religious faith in America's heritage and future." **100 Cong. Rec. 8618 (1954).**

"It is true that under the Constitution no power is lodged anywhere to establish a religion; it has nothing to do with anything of that kind. It relates to belief in God, ... We should at all times recognize God's providence ... belief in God is a part of our very lives." **100 Cong. Rec. 6348 (1954) (Senator Homer Ferguson).**

"No matter how high our starry emblem is lifted, it is 'under God.' On Flag Day President Eisenhower attached his name to the bill officially inserting those momentous words ... [And] Abraham Lincoln was there! For had he not appropriated the phrase in an address that was to be immortal! The words thus solemnly included in his deathless message at Gettysburg did not just represent a hollow, pious gesture tinged with political expedient. 'Under God' was the fundamental belief of his life, ... who can doubt that every President from George Washington onward joined the latest occupant of that exalted office in applauding the action and the significance of the congressional ... To put the words 'under God' on millions of lips is like running up the believer's flag as the witness of a great nation's faith. It is also displayed to the gaze of those who deny the sacred sanctities which it symbolizes. ... Then appropriately, as the flag was raised a bugle rang out with the familiar strains of 'Onward, Christian Soldiers!' ... [the insertion expresses] homage to deity ... From this day forward the millions of our schoolchildren will daily proclaim in every city and town, every village and rural schoolhouse, the dedication of our Nation and our people to the Almighty. ... In this way we are reaffirming the transcendence of religious faith ... To believe in nothing higher than the flag of one's nation is to thwart the soul's highest instincts, as well as to insult the intellect. ... The results of blasphemous denials of God on a tremendous scale already are being shudderingly shown by the baneful social pattern of atheistic materialism. ... Certainly, one who accepts the beliefs of unbelief, with its assumption of a universe that is dead and godless, is called before the bar of reason to explain such undeniable facts as self-sacrifice,

nobility, and heroism, ... The unbeliever has to assert that the grandeur and splendor of life at its best are but the product of blind chance. To deny the implications of 'under God' and to point to dust to explain destiny is about as sensible as declaring that you could take a bag containing the letters of the alphabet and, throwing a few handfuls of them up into the air, expect them to fall to the ground in the form of a Shakespeare's sonnet or of a Tennyson's In Memoriam. The thing is absurd. The promising streams of freedom disappear in the sands of futility when there is nothing higher than the state. ... Without God, unkept promises become the fetters of a worse thralldom at the hands of alleged emancipators. ... the only freedom there is is under God. ... Any so-called freedom, if it is not under God, is under sentence of death." **100 Cong. Rec. 8617-8 (1954) (Frederick Brown Harris, minister, Foundry Methodist Church; Chaplain, U.S. Senate).**

"When our independence was declared, we believed in a God, a Creator. We said that men are endowed by their Creator with certain inalienable rights. . I have felt that the Pledge of Allegiance to the Flag which stands for the United States of America should recognize the Creator who we really believe is in control of the destinies of this great Republic. It is true that under the Constitution no power is lodged anywhere to establish a religion; it has nothing to do with anything of that kind. It relates to belief in God, in whom we sincerely repose our trust. We know that America cannot be defended by guns, planes, and ships alone. Appropriations and expenditures for defense will be of value only if the God under whom we live believes that we are in the right. We should at all times recognize God's providence over the lives of our people and over

this great Nation. .. We now live in a world divided by two ideologies, one of which affirms its belief in God, while the other does not. One part of the world believes in the inalienable rights of the people under the Creator. The other part of the world believes in materialism and that the source of all power is the State itself. We who believe in the inalienable rights of men realize that there are spiritual values. Therefore, we should remind the Boy scouts, the Girl Scouts, and the other young people of America, who take pledge of allegiance to the flag more often than do adults, that it is not only a pledge of words but also of belief. I have said before on the floor of the Senate that over the entrance to the Senate Chamber are the words 'In God We Trust.' If that belief is not in the hearts of men, especially in the hearts of Members of the Senate, then the words are of no value to America. But as we are reminded in the Senate, belief in God is a part of our very lives."
100 Cong. Rec. 6348 (1954) (Senator Homer Ferguson)

"[T]he fundamental issue which is the unbridgable [sic] gap between America and Communist Russia is a belief in Almighty God. From the root of atheism stems the evil weed of communism ... [We must] affirm our belief in the existence of God ... the real meaning of that flag ... the real meaning of America ... [is] that this is one Nation which 'under God.' ... " **100 Cong. Rec. 1700 (1954) (Louis C. Rabaut).**

"[T]his measure ... recognizes that all things ... are held by us under the divine benediction of the Almighty. ... One thing separates free peoples of the Western World from the *rabid Communist, and this one thing is* a

belief in God." **100 Cong. Rec. 7758 (1954) (Mr. Brooks of Louisiana). [italic emphasis in the original]**

"[T]he forces of anti-God and antireligion so persistently spread their dangerous and insidious propaganda" **100 Cong. Rec. 7760 (1954) (Mr. Keating).**

"[It was the intention of the Founders] to make this a Christian Nation ... The God of nations who helped in bringing to a successful conclusion the war of independence, has never ceased to control the destiny of this great Nation." **100 Cong. Rec. 7762 (1954) (Mr. Wolverton). [emphasis added]**

"Since the days of Constantine and his standard, 'In this sign [of the Christian cross] thou shalt conquer,' nations and governments have relied for their strength on trust in God, ... Those nations and governments, from Julian the Apostate to Hitler, who have arrayed their forces against God ... have gone down to disastrous defeat." **100 Cong. Rec. 7763 (1954) (Mr. Wolverton). [emphasis added]**

"the need now is for the deterrent force of Christian ideas ... We cannot afford to capitulate to the atheistic philosophies of godless men ..." **100 Cong. Rec. 8156 (1955) (Rep. Rabaut; emphasis added). [emphasis added]**

"This is not an act establishing a religion or one interfering with 'free exercise' of religion. A distinction must be made between the existence of a religion as an institution and a belief in the sovereignty of God. The phrase 'under God' recognizes only the existence of God

in our national affairs." **H.J. Res. 243, 83rd Congress *2d Session* Report No. 1693, May 28, 1954 (Report submitted by Mr. Jonas of Illinois, from the Committee on the Judiciary).**

"This is not an act establishing a religion. A distinction exists between the Church as an institution and a belief in the sovereignty of God. The phrase "under God" recognizes only the guidance of God ... [It] does not compel any individual to make a positive affirmation [sic] in the existence of God in whom one does not believe." **S. Rep. 83-1287 (1954) (Letter from Senator Homer Ferguson).**

EXCERPTS FROM SELECTED HISTORICAL DOCUMENTS

"Article 11. As the government of the United States of America is not in any sense founded on the Christian Religion,-as it has in itself no character of enmity against the laws, religion or tranquility of Musselmen,- and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries." **Treaty of Peace and Friendship between the United States of America and the Bey and Subjects of Tripoli of Barbary, passed by the U.S. Senate June 7, 1797 and signed by President John Adams June 10, 1797, in *Treaties and Other International Acts of the United States of America* , Hunter Miller, ed., 2:365. (Available online at http://www.yale.edu/lawweb/avalon/diplomacy/barbary/bar1796t.htm accessed 1/9/2004)**

"Now be it known, That I John Adams, President of the United States of America, having seen and considered the said Treaty do, by and with the advice and consent of the Senate, accept, ratify, and confirm the same, and every clause and article thereof. And to the End that the said Treaty may be observed and performed with good Faith on the part of the United States, I have ordered the premises to be made public; And I do hereby enjoin and require all persons bearing office civil or military within the United States, and all others citizens or inhabitants thereof, faithfully to observe and

fulfil the said Treaty and every clause and article thereof" **Id., at p. 383.**

"RESOLVED, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty of peace and friendship between the United States of America and the Bey and subjects of Tripoli, of Barbary.
ORDERED, That the Secretary lay this resolution before the President of the United States.
***The Journal of the Senate including the Journal of the Executive Proceedings of the Senate, John Adams Administration 1791-1801, Volume I: Fifth Congress, First Session; March-July, 1797*, Martin P. Claussen, General Editor. Michael Glazier, Inc. Wilmington, Delaware 19801, (1977) pp 156-57, 160.**

"The United States of America have exhibited, perhaps, the first example of governments erected on the simple principles of nature; ... It will never be pretended that any persons employed in that service [of erecting that government] had interviews with the gods, or were in any degree under the influence of Heaven, ... it will forever be acknowledged that these governments were contrived merely by the use of reason and the senses." **Adams, J., A Defence of the Constitutions of Government of the United States of America (1787), Preface (at http://www.constitution.org/jadams/ja1_pre.htm accessed 2/10/2004).**

"I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely,

the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

III. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community; of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration; and that, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal." **Articles I-III of the Virginia Declaration of Rights, adopted unanimously June 12, 1776 Virginia Convention of Delegates drafted by Mr. George Mason. (Available online at http://www.yale.edu/lawweb/avalon/virginia.htm accessed 1/8/2004)**

"We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity, and secure the blessings of liberty to ourselves and our posterity invoking the favor and guidance of Almighty God do ordain and establish this Constitution for the Confederate States of America." **Preamble,**

Constitution of the Confederate States of America, March 11, 1861.

"Fix Reason firmly in her seat, and call to her tribunal every fact, every opinion. Question with boldness even the existence of a God; because, if there be one, he must more approve of the homage of reason, than that of blind-folded fear." **Thomas Jefferson, Letter to Peter Carr, August 10, 1787.**

"It is wrong always, everywhere and for everyone to believe anything upon insufficient evidence." **Also known as "Clifford's Credo," by W. K. Clifford in The Ethics of Belief (1877) available online at http://www.infidels.org/library/historical/w_k_clifford/ethics_of_belief.html accessed 2/10/2004.**

"When I do good, I feel good. When I do bad, I feel bad. That's my religion." **Abraham Lincoln, cited at http://www.aluuc.org/History2.htm (accessed 2/10/2004 and elsewhere.**

EMAIL RESPONSE FROM
THE LIBRARY OF CONGRESS

From: <mss@loc.gov>
To: <REDACTED>
Sent: Monday, December 29, 2003 12:42 PM
Subject: Library Question - Answer [Question #245969]

Hello Tim Gorski,
[Question]: Question History: Patron: What is the explanation for why the words "under God" are missing in the two earliest manuscripts of the Gettyburg Address, including the one that Lincoln probably read from and the next one that he wrote out and gave to John Hay???

Librarian 1: Dear Mr. Gorski:
Thank you for your Question Point inquiry regarding the Gettysburg Address.
Of the five known copies of the Gettysburg Address in Abraham Lincoln's handwriting, the Library of Congress has two, the "Nicolay Draft" and the "Hay Draft". The phrase "under God" is absent in these drafts, which were composed on the eve of the speech or in its immediate aftermath. Lincoln presumably used one of them as his text when delivering the speech.
The other three known copies of the Address were written by Lincoln for charitable purposes well after November 19, 1863. A brief discussion of the differences between the extant drafts of the Address can be found in volume 7 of _The Collected Works of Abraham Lincoln_, edited by Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953). Lincoln first incorporated the phrase "under God" in the Edward Everett draft, which was probably written in January

or February 1864. The phrase also appeared in accounts of the speech published in the New York _Tribune_, _Times_, and _Herald_ of November 20, 1863, which were based on shorthand notes made at the time by Joseph L. Gilbert of the Associated Press.
Basler seems to conclude that Lincoln departed from his prepared text when delivering the speech, and his enunciation of "under God" was recorded at the time by Gilbert in his notes. Its use in the three later drafts suggests that Lincoln referred to newspaper accounts of the speech when writing them.
The Library of Congress has developed an online exhibition, "The Gettysburg Address," at <http://www.loc.gov/exhibits/gadd/>, which contains more information on the documents, as well as color images of the Nicolay and Hay drafts.
Further information will be available in recently published works on the speech, such as _Lincoln at Gettysburg: The Words that Remade America_ by Garry Wills (New York: Simon and Schuster, 1992).
Bruce Kirby
Manuscript Reference Librarian
Manuscript Division
Library of Congress